

K2qWsch1

1 UNITED STATES DISTRICT COURT
2 SOUTHERN DISTRICT OF NEW YORK

-----x

3 UNITED STATES OF AMERICA,

4 v.

S2 17 Cr. 548 (PAC)

5 JOSHUA ADAM SCHULTE,

6 Defendant.

Trial

7 -----x

New York, N.Y.
February 26, 2020
9:45 a.m.

9 Before:

10 HON. PAUL A. CROTTY,

District Judge
-and a Jury-

11 APPEARANCES

12 GEOFFREY S. BERMAN

13 United States Attorney for the
Southern District of New York

14 BY: MATTHEW J. LAROCHE

SIDHARDHA KAMARAJU

15 DAVID W. DENTON JR.

Assistant United States Attorneys

16 SABRINA P. SHROFF

17 Attorney for Defendant
-and-

18 DAVID E. PATTON

Federal Defenders of New York, Inc.

19 BY: EDWARD S. ZAS

Assistant Federal Defender

20 -and-

21 JAMES M. BRANDEN

22 Also Present: Colleen Geier

Morgan Hurst, Paralegal Specialists

23 Achal Fernando-Peirís, Paralegal

John Lee, Litigation Support

24 Daniel Hartenstine

Matthew Mullery, CISOs, Department of Justice

K2qWsch1

1 (Trial resumed)

2 THE COURT: Ms. Shroff, I would like to know, before
3 the jury comes in, what you want me to do about the letter I
4 received this morning dealing with the CIA witness who saw
5 Mr. Zas and then disappeared.

6 MS. SHROFF: Well, your Honor, I wanted the Court to
7 know that that had happened.

8 THE COURT: Yes. What do you want me to do about it?

9 MS. SHROFF: I don't know. I honestly don't know.

10 THE COURT: Do you want to put the witness on the
11 stand, assuming he shows up?

12 MS. SHROFF: Not right now, no.

13 THE COURT: No?

14 MS. SHROFF: I didn't get to talk to him.

15 THE COURT: Do you know anything about this,
16 Mr. Laroche?

17 MR. LAROCHE: Yes, your Honor. I do.

18 I'm a little surprised by the letter Ms. Shroff filed
19 last night after we had a very long conversation about this
20 very issue, and she did not say anything to the Court about our
21 conversation.

22 MS. SHROFF: I didn't say anything to the Court about
23 it.

24 THE COURT: I'm concerned if a witness shows up --
25 he's been subpoenaed -- and all of a sudden, he disappears.

K2qWsch1

1 MR. LAROCHE: He did not disappear. We told Ms.
2 Shroff he did not disappear. He was moved down to the fifth
3 floor so he didn't have to sit outside the whole day when he
4 was not going to be called to testify.

5 Ms. Shroff called me that evening about where the
6 witness was. I said he had left for the night. I said he
7 would be back in the morning if she'd like to talk to him. We
8 told the witness and had given Ms. Shroff the witness's number,
9 so this idea that he just disappeared and there was something
10 inappropriate that was done is incorrect.

11 MS. SHROFF: Your Honor, it is absolutely correct, and
12 I want to make sure that I'm clear about this.

13 The witness was outside before 9 a.m. this morning --
14 yesterday morning. I was informed by the court officer that
15 there was a witness outside. My paralegal Achal and I noticed
16 the witness was sitting outside. We went up to the witness.
17 Achal had come in and wheeled the cart in. I talked to the
18 witness. I reviewed the subpoena that he had received. The
19 subpoena was in my name. It had my phone number. I looked at
20 him, and I said: I wish you had called me. I would have given
21 you a better estimate of the time. Sit right here. I will be
22 right back.

23 I told him that because normally I cut it close to
24 9:00; I didn't know if the Court was on the bench. I came into
25 the courtroom. You were not on the bench. I ran back outside.

K2qWsch1

1 THE COURT: He was gone.

2 MS. SHROFF: And he was gone.

3 So, just so that the chronology is complete, OK, I
4 came back in, Mr. Hartenstine is sitting exactly where he
5 always sits, right near the door. I went to him, and I think I
6 mumbled. I agree. I may not have been crystal clear, because
7 you know, it's a stressful day. Every day here is a stressful
8 day. I mumbled something to him about a witness disappearing.
9 I asked him if he knew from the CIA where the witness had gone.
10 I don't think I was particularly clear to Mr. Hartenstine, and
11 I never heard back at all.

12 I went back out in the break to try and find him. I
13 went to the eighth floor to find him. I found the man nowhere.
14 I did not bother to ask the government because my subpoena
15 brought him here. Why should they know anything about him?

16 Wait. Wait. I'm not finished.

17 I never asked the government. That is true. It
18 slipped my mind. For whatever reason, I never asked them where
19 the guy went. I mentioned to my team I couldn't find this man,
20 he disappeared, and then -- we call the government in the
21 evening -- but they called us to coordinate the other
22 witnesses.

23 Never in my life as a defense lawyer have I ever had
24 to put up direct witnesses on my side of the case by
25 coordinating their travel with the government, asking them to

K2qWsch1

1 waste their time coordinating them getting here, without even
2 having an opportunity to ever speak to these witnesses.

3 THE COURT: Ms. Shroff, I don't mean to cut you off,
4 but what do you want to do about it?

5 MS. SHROFF: I don't know. I want to first make sure
6 that I'm clear that I did nothing wrong, first of all.

7 THE COURT: Nobody's suggesting you did anything
8 wrong.

9 MS. SHROFF: Well, Mr. Laroche seems to suggest that I
10 left something out of the letter, so I want to make sure
11 everybody knows.

12 So when the government told me the witness had been
13 taken down to their office and had just left their office five
14 minutes before my phone call, I was upset because somebody
15 could have told me: Hey, that witness he was sitting outside,
16 you know, we took him.

17 That's it. That's all I ask. Somebody tell me: You
18 know what? We thought he shouldn't have come here based on
19 your subpoena. We whisked him off.

20 Nobody told me. Not the CIA, seven of them sitting
21 there, or however many of them are here. Frankly, I can't
22 blame the government because they didn't know.

23 I don't know what I want to do. Honestly, I don't
24 know. I haven't been able to talk to Mr. Zas about it so I did
25 not ask for relief in the letter as to what the next step

K2qWsch1

1 should be.

2 THE COURT: All right.

3 MS. SHROFF: But for sure that witness was disappeared
4 from this floor, and I definitely was never told.

5 MR. LAROCHE: He was not disappeared. He was down on
6 our floor. I spoke to Ms. Shroff about it.

7 THE COURT: What time did you speak to Ms. Shroff
8 about it?

9 MR. LAROCHE: When she called and asked about it, your
10 Honor.

11 MS. SHROFF: At what time?

12 THE COURT: What time was that?

13 MR. LAROCHE: It was after the court day, your Honor.

14 THE COURT: Right.

15 MR. LAROCHE: He was gone the whole day. She saw he
16 was gone the whole day. He wasn't outside anymore. She could
17 have raised it with us. She didn't.

18 MS. SHROFF: I raised it with the CISO.

19 THE COURT: Ms. Shroff.

20 MR. LAROCHE: He's here, available to testify,
21 pursuant to the subpoena. Nobody disappeared him. He's
22 available to testify, which is what's required under the
23 subpoena. He has her number. He knows that he can reach out
24 to her. That is all that's required. There is no other relief
25 to be granted.

K2qWsch1

1 MS. SHROFF: There is a witness that showed up.

2 THE COURT: The witness shows up, and then he leaves.

3 I won't say he disappeared, but he leaves. He leaves under the
4 guidance or under the tutelage of somebody from the CIA,
5 correct?

6 MR. LAROCHE: It was under our guidance, your Honor.
7 We told them there was someone here from the CIA who understood
8 that his position was sensitive when he was there. Having him
9 sit outside in a public location all day would not be the best
10 location for him to be. He was moved downstairs during the
11 trial day. During the trial day.

12 No one is hiding him from Ms. Shroff. We told her
13 that last night. We made him available this morning. If she
14 wanted to talk to him this morning and he was willing, she
15 could have.

16 MS. SHROFF: I still want to finish this. OK?

17 THE COURT: Yes.

18 MS. SHROFF: I spoke to the man. Not once did he
19 express any concern about waiting there for me for all of five
20 minutes just to make sure you had not taken the bench. That's
21 the only reason I came in, to make sure I didn't keep you
22 waiting. I went back out. The man was gone. Listen. A man
23 is gone.

24 THE COURT: You're going to talk to him and you'll let
25 me know then what you want to do.

K2qWsch1

1 MS. SHROFF: I will, but I want to make sure -- that
2 he did disappear; he was taken to the U.S. Attorney's Office;
3 he wasn't put in the cafeteria; he no longer works for the CIA.
4 And the CIA never bothered to tell the defense.

5 THE COURT: Right.

6 MS. SHROFF: I need five minutes to go to the
7 bathroom.

8 THE COURT: We're going to call the jury in then.

9 MS. SHROFF: That's OK, your Honor. I'll be very
10 quick.

11 THE COURT: Do you want to call Mr. Schlessinger?

12 MR. KAMARAJU: Yes, your Honor. He's here.

13 (Continued on next page)
14
15
16
17
18
19
20
21
22
23
24
25

K2qWsch1

(Jury present)

THE COURT: Good morning. Please be seated.

EVAN JAMES SCHLESSINGER, resumed.

THE COURT: You're still under oath.

THE WITNESS: Understood, your Honor.

THE COURT: Mr. Kamaraju.

MR. KAMARAJU: Thank you, your Honor.

DIRECT EXAMINATION CONTINUED

K2qWsch1 Schlessinger - Direct

BY MR. KAMARAJU:

Q. Special Agent Schlessinger, I think when we left off yesterday we were looking at Government Exhibit 809 at page 5.

A. Yes.

Q. And we were taking a look at the list at the top. Remember that?

A. Yes, I do.

Q. OK. Let's just go through that list to refresh.

A. "1. Delete all Google Docs from John Smith.

"2. Delete all emails from John Smith.

"3. Delete suspicious emails from my Gmail.

"a. new log ons from phones.

"b. PayPal.

"c. WordPress.

"d. PW changes.

"4. Create new ProtonMail presumedguilty@protonmail.com.

K2qWsch1

1 "5. Migrate WordPress to ProtonMail."

2 MR. KAMARAJU: Could we zoom out.

3 Q. Do you see a section titled "research"?

4 A. Yes.

5 Q. What's listed under research?

6 A. "1. Gmail keep deleted emails.

7 "2. Changing Samsung IMEI.

8 "a. Without rooting.

9 "b. Generate new IMEI."

10 MR. KAMARAJU: Could we pull up Government Exhibit
11 820-435 next to this.

12 MS. SHROFF: Your Honor, could the witness reread line
13 No. 2.

14 THE COURT: Mr. Schlessinger.

15 THE WITNESS: "Changing Samsung IMEI."

16 BY MR. KAMARAJU:

17 Q. Sir, now, on Government Exhibit 820-435, do you see any
18 rooting software on the screen?

19 A. Yes.

20 Q. What software do you see?

21 A. KingoRoot.

22 MR. KAMARAJU: All right. If we could take down 435,
23 please, and go back to 809.

24 Q. Do you see six and seven listed there?

25 A. Yes.

K2qWsch1

1 Q. Could you read those for us, please?

2 A. "6. Clean off apps.

3 "7. Reset factory phone."

4 Q. Now, on the right side of the page, do you see the word
5 "subpoena"?

6 A. Yes.

7 Q. Could you read what's written there?

8 A. "Subpoena for IMEI. Worst case all three have compromised
9 IMEIs."

10 MR. KAMARAJU: Ms. Hurst, could we show the witness
11 and the parties and the Court Government Exhibit 822-2.

12 Q. Sir, do you recognize this?

13 A. Yes, I do.

14 Q. What is it?

15 A. This is a report of all the searches that were conducted
16 from the Samsung phone itself.

17 Q. And when you say searches conducted, how were those
18 searches conducted?

19 A. On the phone.

20 Q. And how do you recognize this document?

21 A. I ran this report off the forensic software.

22 MR. KAMARAJU: Your Honor, the government would offer
23 Government Exhibit 822-2.

24 THE COURT: Any objection?

25 MS. SHROFF: No, your Honor.

K2qWsch1

1 THE COURT: OK. It's received in evidence.

2 (Government Exhibit 822-2 received in evidence)

3 MR. KAMARAJU: Could we please publish it.

4 Could we go to page 2 and blow up line 39.

5 Q. Now, sir, what's the date and time of this search?

6 A. August 22, 2018, 5:44 p.m. Eastern Time.

7 Q. And what was searched for at that time?

8 A. "Generate random password."

9 MR. KAMARAJU: Could we look at the next page on
10 GX809, please.

11 Q. Do you see an email address listed at the top of the page?

12 A. Yes.

13 Q. What's that email address?

14 A. Presumedguilty@protonmail.

15 Q. And do you see the random series of numbers and letters to
16 the left of that email account?

17 A. Yes, I do.

18 Q. What happens if you try to log in to that ProtonMail
19 account with that string?

20 A. You will successfully log on to that account.

21 Q. And how do you know that?

22 A. Because I was present when that happened.

23 MR. KAMARAJU: Now, can we look down.

24 Q. Do you see the phrase "Annon1204"?

25 A. Yes.

K2qWsch1

1 MR. KAMARAJU: Could we pull up Government Exhibit
2 820-412, please.

3 Q. Now, is 412 one of the screenshots that Mr. Betances
4 provided to you?

5 A. Yes, it is.

6 Q. Do you see the Annon1204 ProtonMail account listed there?

7 A. Yes, I do.

8 Q. Looking back at Government Exhibit 809, do you see the
9 string of letters and numbers written next to the Annon1204
10 notation?

11 A. Yes, I do.

12 Q. What happens when you try to log in to that ProtonMail
13 account with that string of numbers?

14 A. You will successfully log on to that account.

15 Q. And how do you know that?

16 A. Because I was also present when that happened.

17 Q. And when you say you were present when that happened, was
18 there an FBI agent who did that?

19 A. Yes, there was.

20 MR. KAMARAJU: Now, could we look at the next entry
21 below on 809, please.

22 Q. All right. What's that entry?

23 A. "Free Jason Bourne."

24 Q. Have you seen a ProtonMail account with that handle during
25 this investigation?

K2qWsch1

1 A. Yes, I have.

2 Q. Do you see the string of letters and numbers to the right
3 there?

4 A. Yes, I do.

5 Q. What happens when you plug that string of numbers and
6 letters in to the freejasonbourne@protonmail account?

7 A. You will successfully log on to that account.

8 Q. And how do you know that?

9 A. Because I was also present when that occurred.

10 MR. KAMARAJU: Could we take a look at Government
11 Exhibit 822-2 and again look at page 2.

12 Can we blow up row 52, please.

13 Q. What's the date and time of that search?

14 A. August 22, 2018, 6:30 p.m. Eastern Time.

15 Q. And what's the search?

16 A. "Can't log in to ProtonMail through TOR."

17 MR. KAMARAJU: Now, Ms. Hurst, can we go back to page
18 5 on Government Exhibit 809.

19 Q. Can you read four and five on the list, please?

20 A. "4. Create new ProtonMail: Presumedguilty@protonmail.com.

21 "5. Migrate WordPress to ProtonMail."

22 MR. KAMARAJU: Could we pull up Government Exhibit
23 1301-1, please.

24 Q. Could you remind us, what is this, Special Agent?

25 A. This is part of the search warrant return from Automattic.

K2qWsch1

1 Q. Do you see the five entries at the bottom that occur
2 between 10:37 and 11 p.m. on August 22, 2018?

3 A. Yes.

4 Q. Do they all have the same event listed there?

5 A. Yes, they do.

6 Q. What's that event?

7 A. "Change email address request."

8 Q. Do they all have the same note listed?

9 A. Yes, they do.

10 Q. And what's that note?

11 A. "Own email request from JoshSchultel@gmail.com to
12 presumedguilty@protonmail.com."

13 MR. KAMARAJU: Could we take that down and go back to
14 Government Exhibit 809 at page 7.

15 Q. Now, is there a date listed on this page, sir?

16 A. Yes.

17 Q. What is it?

18 A. Thursday, August 23.

19 MR. KAMARAJU: All right. Could we blow up the first
20 two sentences of the body.

21 Q. Could you read those first two sentences, please?

22 A. "Well, a lot has happened lately. Yesterday I started
23 cleansing the phone and in the process set up a new ProtonMail,
24 which I transferred the WordPress to."

25 MR. KAMARAJU: All right. Could we blow up the rest

K2qWsch1

1 of the body, please.

2 Q. Could you read the rest now?

3 A. "I also noticed that no msgs were responded on WhatsApp, so
4 I asked my bro. We went back and forth, but they decided for
5 me not to publish the articles -- well, rather, not to give me
6 my own fucking articles. Isn't that incredible? They fucked
7 up to begin with and published the wrong, old versions. Then
8 they didn't publish the two most important parts, eight and
9 nine, and now they are withholding all of them."

10 MR. KAMARAJU: Ms. Hurst, if we could zoom out again
11 and blow up the last line.

12 Q. Could you read that?

13 A. "Yesterday I started emailing Shane from the Washington
14 Post."

15 Q. Now, do you remember testifying about a Washington Post
16 reporter writing a story about this case in May 2018?

17 A. Yes, I do.

18 Q. Who was that reporter?

19 A. Shane Harris.

20 MR. KAMARAJU: Ms. Hurst, could we bring up Government
21 Exhibit 822-2 at page 4. Could we look at row 85.

22 Q. Now, sir, what's the date and time of that search?

23 A. August 22, 2018, 8:45 p.m. Eastern Time.

24 Q. And is that the day before the entry we just looked at?

25 A. Yes, it is.

K2qWsch1

1 Q. And what's the search?

2 A. "Shane Washington Post email."

3 MR. KAMARAJU: Your Honor, may I approach?

4 THE COURT: Yes.

5 Q. I've handed you what's been marked for identification as
6 Government Exhibit 1303-1, which contains -- sorry.

7 I've handed you a disk containing Government Exhibits
8 1303-1 through 1303-70 and Government Exhibit 812. Now, sir,
9 do you recognize that?

10 A. Yes, I do.

11 Q. What is it?

12 A. This is a disk containing emails from that account.

13 Q. From which accounts?

14 A. All three ProtonMail accounts.

15 Q. For the record, could you identify the ones that we're
16 talking about?

17 A. Yes. The Annon1204 account; the free Jason Bourne account,
18 and the presumed guilty ProtonMail account.

19 Q. And how do you recognize those exhibits?

20 A. I initialed this CD.

21 MR. KAMARAJU: Your Honor, the government would offer
22 Government Exhibits 1303-1 through 1303-70 and Government
23 Exhibit 812.

24 MS. SHROFF: Sure. No objection, your Honor.

25 THE COURT: They're received in evidence.

K2qWsch1

1 (Government Exhibits 812 and 1303-1 through 1303-70
2 received in evidence)

3 MR. KAMARAJU: Thank you, your Honor.

4 Now, could we publish Government Exhibit 1303-6,
5 please. All right.

6 Let's blow up the bottom email first.

7 Q. All right. Now, what is this?

8 A. This is an email from the Annon1204 ProtonMail account.

9 Q. Could you read the top paragraph in the bottom email?

10 A. "Shane, sorry to bother you with this request, but if you
11 could please forward the nine articles that Shane Presnall sent
12 you on behalf of Josh Schulte, we would greatly appreciate it.
13 Shane Presnall is under subpoena as they wrongly claim he
14 assisted Josh in violation of a protective order, so we don't
15 want to go to him for this request."

16 Q. Do you know who Shane Presnall is?

17 A. Yes, I do.

18 Q. Who is Shane Presnall?

19 A. He's the cousin of the defendant.

20 Q. Now, could you read the second paragraph, please?

21 A. "We are family and friends of Josh and are looking to
22 further post these articles and new ones that he has written.
23 The current ones on Facebook are old rough drafts, but we have
24 lost the newest versions that we believe were forwarded to you.
25 Thanks."

K2qWsch1

1 MR. KAMARAJU: Now, could we pull up Government
2 Exhibits 812-412 and 413.

3 Q. Are these some of the screenshots that Mr. Betances gave
4 you?

5 A. Yes, they are.

6 Q. Looking at the bottom of 412 and 413, are these the same
7 email as Government Exhibit 1303-6?

8 A. Yes, they are the same.

9 MR. KAMARAJU: Could we pull up Government Exhibit
10 809, pages 6 and 7, please.

11 Q. All right. Now, just remind us, next to the Annon1204
12 account there, what happens when you plug in that string into
13 that email account?

14 A. You will successfully log on to that account.

15 MR. KAMARAJU: We can take down page 6. And we can
16 pull up the bottom email of 1303-6.

17 Q. What's the date written at the top of page 7, Government
18 Exhibit 809?

19 A. Thursday, August 23.

20 Q. Could you read the last line on this page?

21 A. "Yesterday I started emailing Shane from the Washington
22 Post."

23 Q. And now on 1303-6, who is that email addressed to?

24 A. Shane Harris.

25 Q. And could you tell us the date on that email there?

K2qWsch1

1 A. August 22, 2018.

2 MR. KAMARAJU: Now, let's take a look at the top
3 email.

4 Q. All right. What's the date of this email?

5 A. Thursday, August 23, 2018.

6 Q. And who is it from?

7 A. Shane Harris.

8 Q. And which account was it sent to?

9 A. The Annon1204 ProtonMail account.

10 Q. And what's the subject line?

11 A. "Re Schulte articles."

12 Q. Could you read the email, please?

13 A. "I'm sorry. I don't know who you are and I'm not at
14 liberty to share with you anything that may have been shared
15 with me without direct permission. Why do you feel this would
16 help Shane Presnall?"

17 MR. KAMARAJU: Now could we pull up Government Exhibit
18 809 at page 8, please. All right. Could we blow up the top
19 section of the page.

20 Q. All right. Do you see where it says "Shane Harris or spoof
21 email"?

22 A. Yes.

23 MR. KAMARAJU: Actually, can we include one line below
24 it. All right.

25 Q. Do you recognize the telephone numbers written there?

K2qWsch1

1 A. Yes, I do.

2 Q. Whose numbers are those?

3 A. The top number is Shane Presnall's phone number.

4 Q. That's the 940 number?

5 A. Correct. And the number next to Shane Harris is Shane
6 Harris's phone number.

7 Q. And that's the 202 phone number?

8 A. Correct.

9 Q. And how do you know that's Shane Harris's phone number?

10 A. I believe it's publicly available.

11 MR. KAMARAJU: OK. Let's take a look at the body.

12 Q. Could you read the part starting, "I'm hoping" through the
13 first redaction, please?

14 A. "I'm hoping to write/edit my nine articles. I don't know
15 how I can get them -- oh, I may text Shane Harris from Shane
16 Presnall's number. Omar claims that some service exists to do
17 this. I'm dubious."

18 MR. KAMARAJU: All right. Now can we zoom out,
19 please.

20 Can we blow up the part that says "secondly."

21 Q. Can you read that sentence?

22 A. "Secondly, I want to rewrite article No. 10, Malware of the
23 Mind."

24 MR. KAMARAJU: All right. Could we pull up Government
25 Exhibits 1301-4 and 825, please.

K2qWsch1

1 Q. And just remind us, what's 1301-4?

2 A. 1301-4 is part of the search warrant return from
3 Automattic.

4 Q. Do you see where it says "base blog URL"?

5 A. Yes.

6 Q. Is that the URL for the presumption of innocence blog?

7 A. Yes, it is.

8 Q. On 825, what's the URL there?

9 A. Presumptionofinnocence.net.

10 MR. KAMARAJU: We can take down 825 and put up page 2
11 of 1301-4.

12 Q. Do you see where it says "title"?

13 A. Yes.

14 Q. What's listed there?

15 A. "10. Malware of the Mind."

16 Q. And do you see where it says "link"?

17 A. Yes.

18 Q. What's listed there?

19 A. The presumptionofinnocence.net site.

20 Q. And do you see the pub date?

21 A. Yes.

22 Q. When was this post posted on the defendant's blog?

23 A. August 25, 2018.

24 Q. Now, do you see the content?

25 A. Yes.

K2qWsch1

1 Q. Could you read that, please?

2 A. "Today, we are facing a stealth constitutional crisis. A
3 malware of the mind has entered and corrupted the justice
4 system. Technology has advanced so rapidly that the law and
5 law enforcement are decades behind and are unable to catch up.
6 Into this chasm, defendant, defense attorneys, judges and
7 juries are increasingly blindsided by the evolution of
8 innovative prosecutorial techniques based on faux forensics,
9 manipulation, and intentional misrepresentation, which are, in
10 turn, nothing more than long-shot theories and in some cases
11 blatant fabrications analogous to accusations of witchcraft and
12 wizardry."

13 MR. KAMARAJU: Could we highlight the contents of that
14 section.

15 Sorry. The next two lines. Thank you, Ms. Hurst.

16 Q. Could you just finish reading this section?

17 A. "This final article is incomplete as it was written by
18 Mr. Schulte entirely from prison, and he is unable to get it
19 out."

20 MR. KAMARAJU: Could we pull up Government Exhibit 809
21 at page 8 again.

22 Q. And could you read where it says "secondly"?

23 A. "Secondly, I want to rewrite article No. 10, Malware of the
24 Mind."

25 MR. KAMARAJU: Could we put up Government Exhibit 801,

K2qWsch1

1 please and 1301-4 at 2.

2 Q. Now, is the title listed on Government Exhibit 801 the same
3 title as the blog described on 1301-4 at 2?

4 A. Pretty much.

5 MR. KAMARAJU: Could we flip to the next page on
6 Government Exhibit 801.

7 Q. Could you compare the first paragraph there to the content
8 in 1301-4-2?

9 A. Yes. They appear to be identical.

10 MR. KAMARAJU: All right. Now, if we could look at
11 page 3 of Government Exhibit 801.

12 Q. Do you see the top paragraph there?

13 A. Yes.

14 MR. KAMARAJU: Could we blow up the last sentence.

15 Q. And could you read that?

16 A. "I can guarantee you that there are multiple encrypted
17 volumes on my server that the FBI never decrypted, or even
18 found."

19 Q. All right. Could you read the next paragraph, please?

20 A. "Which brings me to my next point. Do you know what my
21 specialty was at the CIA? Do you know what I did for fun?
22 Data hiding and crypto. I designed and wrote software to
23 conceal data in a custom-designed file system contained within
24 the drive slack space, or hidden partitions. I disguised data.
25 I split data across files and file systems to conceal the

K2qWsch1

1 crypto. Analysis tools would never detect random or
2 pseudorandom data indicative of potential crypto. I designed
3 and wrote my own crypto. How better to fool buffoons like
4 forensic examiners and the FBI than to have custom software
5 that doesn't fit into their two-week class where they become
6 forensic experts? Make no mistake. I am an expert in data
7 hiding and cryptography with thousands of hours of experience
8 and among the top specialists in the world, or was."

9 MR. KAMARAJU: Could we bring up Government Exhibit
10 1303-8. Could we go all the way to the bottom email, please.

11 Q. Have we reviewed this email before?

12 A. Yes.

13 Q. Which email is this?

14 A. This is the email from the Annon1204 account to Shane
15 Presnall.

16 Q. OK. The date is August 22?

17 A. Yes.

18 MR. KAMARAJU: Could we scroll up one more.

19 Q. All right. Do you recognize this email?

20 A. Yes, I do.

21 MR. KAMARAJU: Could we go up one more, please.

22 Q. All right. What's the date of this email?

23 A. August 23, 2018.

24 Q. And who sent it?

25 A. The Annon1204 account.

K2qWsch1

1 Q. All right. Now, can you read the top snippet there that's
2 on the first page?

3 A. "I can send snippets of text of the two articles, eight and
4 nine, that weren't released publicly to verify my identity with
5 access to Josh and Shane."

6 Q. Can you keep reading on to the next section?

7 A. "This will assist Shane as he is under intense scrutiny now
8 and cannot risk sending anything, so he gave me your contact to
9 retrieve the articles. We have other information to share
10 regarding *reiderstvo*, Russian attacks on U.S. political and
11 judicial systems, articles with multiple sources, as well as
12 links between Putin and his oligarchs to Trump via Marc
13 Kasowitz -- emails, secure communications -- and examples of
14 other people targeted and arrested on behalf of the oligarchs
15 for financial reasons."

16 MR. KAMARAJU: Could we pull up Government Exhibit 806
17 at page 4, please. And can you blow up the right side of that.

18 Q. All right. Now, on Government Exhibit 1303-8, do you see
19 the sentence that says, "We have other information to share
20 regarding"?

21 A. Yes.

22 Q. OK. Now, on Government Exhibit 806 -- I'm sorry.

23 MR. KAMARAJU: Ms. Hurst, could we take a look at the
24 last page please.

25 Q. What's the date listed there?

K2qWsch1

1 A. 7/14/18.

2 Q. Is that before the email from the Annon1204 account?

3 A. Yes, it is.

4 MR. KAMARAJU: All right. Now could we blow up the
5 right side of that page.

6 Q. Could you read 1b on Government Exhibit 806?

7 A. "Sell documents to make" dollar signs.

8 Q. Could you read four?

9 A. "If I were Russia, I would.

10 "a. attack judiciary.

11 "b. U.S. destroy itself."

12 MR. KAMARAJU: Could we bring up Government Exhibit
13 1303-17, please. Could we blow up the top.

14 Q. What's the email account that sends this message?

15 A. The Annon1204 ProtonMail account.

16 Q. And what's the date?

17 A. September 7, 2018.

18 Q. Are there any attachments?

19 A. Yes, there are.

20 Q. What's the name of the attachment?

21 A. Schulte_handwritten_ notes.pdf.

22 Q. Could you read the body of the message?

23 A. "Yo, you there? Do you want to send me the Russia pieces
24 to email the reporter."

25 MR. KAMARAJU: We can take that down.

K2qWsch1

1 Let's pull up Government Exhibit 1303-8 again, and if
2 we could go back to the email we were looking at.

3 Q. Now, could you read the first sentence of the third
4 paragraph of this email?

5 A. "I also have direct access to Josh that I can route
6 communication."

7 MR. KAMARAJU: Please scroll up to the next email up.

8 Q. All right. Who sent this?

9 A. Shane Harris.

10 Q. And when did he send it?

11 A. August 23.

12 Q. Could you read the email, please?

13 A. "I understand that you want to help him. I would be a lot
14 more comfortable if Shane asked me directly to do this. You
15 appear to be in contact with him, although I realize he doesn't
16 want to be the one to send you any information. Can you have
17 him contact me to verify this is what he wants? And please do
18 send over those snippets you mentioned. Thank you."

19 MR. KAMARAJU: All right. Let's scroll up, please.
20 Now let's blow up the top there.

21 Q. All right. Who sent this?

22 A. The Annon1204 account.

23 Q. And what's the date?

24 A. August 23.

25 Q. All right. Do you see at the top where it says, "They've

K2qWsch1

1 just confiscated Shane's laptop"?

2 A. Yes.

3 Q. Did the FBI ever obtain Shane Presnall's laptop?

4 A. Yes, we did.

5 Q. Have you reviewed the contents of that laptop?

6 A. Yes, we did.

7 Q. Did you find anything relevant to the investigation?

8 A. Yes.

9 Q. What did you find; can you give us some examples?

10 A. We found articles that were written by the defendant.

11 Q. Do you see the last sentence of this paragraph that starts
12 with "the purpose"?

13 A. Yes.

14 Q. Could you read that?

15 A. "The purpose of the articles was always to publish them,
16 and Schulte has arranged WordPress sites where he will be
17 directing posts soon, considering his one-year anniversary
18 since arrest."

19 Q. Now, do you recognize either of the links listed there?

20 A. Yes.

21 Q. Which one?

22 A. The presumptionofinnocence.net.

23 Q. All right. Now, looking at the next paragraph, could you
24 read that, please?

25 A. "We just need nine articles. We have pieces of the tenth

K2qWsch1

1 and last to finalize the site, but since Shane Presnall is
2 under intense pressure -- and all for what? It's incredible
3 how they are targeting all his family -- I'm hopeful you can
4 help complete" this -- excuse me, "complete his and Schulte's
5 goals for publication, even though a lot of it has already been
6 posted."

7 Q. Now, in the first paragraph, do you see where there's a
8 sentence that starts, "The FBI actually raided an attorney
9 Schulte was conferring in Texas"?

10 A. Yes.

11 Q. Now, are you one of the case agents in this investigation?

12 A. Yes.

13 Q. Are you aware of any instance in which the FBI raided an
14 attorney's office in connection with this case?

15 A. No. That never happened.

16 Q. Are you aware of any occasion on which the FBI visited the
17 defendant's parents' house?

18 A. Yes.

19 Q. How many agents visited the defendant's parents' house?

20 A. Two.

21 Q. How many agents -- are you aware of any instance in which
22 the FBI visited an attorney in Texas's office?

23 A. No.

24 Q. Now, looking down, do you see where it says, "Snippets
25 below"?

K2qWsch1

1 A. Yes.

2 Q. All right. Do you see where it says, "My case involves
3 WikiLeaks and the Vault 7/8 release"?

4 A. Yes.

5 MR. KAMARAJU: Can we bring up Government Exhibit
6 820-419.

7 Q. Do you see at the top of 419; what's it say there?

8 A. "Presumption of innocence: Origins."

9 Q. What's the next sentence?

10 A. "My case involves WikiLeaks and the Vault 7/8 release."

11 Q. And remind us, was this one of the screenshots that you got
12 from Mr. Betances?

13 A. Yes.

14 MR. KAMARAJU: We can pull that down.

15 Scroll down, please.

16 Q. All right. Do you see the sentence that says, "Finally"?

17 A. Yes.

18 Q. Could you read that?

19 A. "Finally, I think I can set up a direct line over Signal
20 with Schulte in the coming days or weeks if you'd be
21 interested."

22 MR. KAMARAJU: Could we pull up Government Exhibit
23 820-434.

24 Q. Do you know what Signal is?

25 A. Yes, I do.

K2qWsch1

1 Q. Do you see a Signal icon on Government Exhibit 820-434?

2 A. Yes.

3 Q. What's Signal?

4 A. Signal is an encrypted messaging app.

5 MR. KAMARAJU: Can we go to the top of Government
6 Exhibit 1303-8, the top email, please.

7 Q. All right. Who sent this?

8 A. Shane Harris.

9 Q. And to whom was it sent?

10 A. Annon1204.

11 Q. And what's the date of the email?

12 A. August 28, 2018.

13 Q. Could you read it, please?

14 A. "You clearly know a lot about Josh's case, including things
15 that haven't been made public. I hope you understand that my
16 only hesitation here is that I don't know you, and I'm not in a
17 position to do something for which I don't have explicit
18 permission. If there were a way for Shane to contact me,
19 things could probably be resolved quickly."

20 MR. KAMARAJU: Could we pull up 809 again at page 8.

21 All right. Let's just blow up quickly the top
22 paragraph.

23 Q. All right. Could you just read the first two sentences
24 there?

25 A. "I'm hoping to write/edit my nine articles. I don't know

K2qWsch1

1 how I can get them -- oh, I may text Shane Harris from Shane
2 Presnall's number."

3 MR. KAMARAJU: Can we zoom out.

4 Q. And do you see a line drawn near the bottom of the page?

5 A. Yes.

6 MR. KAMARAJU: Could we blow that section up, please.

7 Q. What's the word written at the top?

8 A. "Anonymous."

9 Q. And do you see below where it says, "Classified
10 information"?

11 A. Yes.

12 Q. Could you read the information above that?

13 A. "Attila, Turkey, U.S.G. acknowledges coup attempt."

14 Q. Do you see where it says, "Reality winner"?

15 A. Yes.

16 Q. Could you read below that?

17 A. "Tool from vendor report, Bartender for vendor."

18 MR. KAMARAJU: Could we pull up Government Exhibit
19 1303-10. All right. Let's start at page 2.

20 Q. Was this the email that we were looking at?

21 A. Yes.

22 MR. KAMARAJU: All right. Let's move up to the next
23 email in the chain.

24 Q. All right. Could you read the first two lines, please?

25 A. "Separate from your request about Josh -- and I do believe

K2qWsch1

1 you want to help him -- the other information that you claim to
2 know about could be in the public interest."

3 Continue?

4 Q. Go ahead.

5 A. "If it's as important as you say, I hope you'd be willing
6 to talk to me about it, because we at the Post have been the
7 leaders on the Trump-Russia story and are the best positioned
8 to evaluate what you know and possibly publish something about
9 it."

10 MR. KAMARAJU: Could we pull up Government Exhibit
11 809-14.

12 Q. Is there a date on this page?

13 A. Yes.

14 Q. What's the date?

15 A. September 2, 2018.

16 MR. KAMARAJU: And could we blow up the body.

17 Q. Could you read it, please?

18 A. "Well, it's September now. Locked in all day. Hopefully
19 tonight I can set up Signal from my cell and message Harris to
20 confirm Annon's permission and get my fucking articles. I also
21 need to confirm my Twitter."

22 (Continued on next page)

K2Q3SCH2

Schlessinger - Direct

1 Q. Can we publish Government Exhibit 822-1, please.

2 What is 822-1?

3 A. These are the Signal messages that were extracted from the
4 Samsung phone.

5 Q. Can we scroll over to column W, please.

6 What time was this message sent?

7 A. At 22:35 on September 2, 2018.

8 Q. Let's take a look at column U. Do you see the 806 number?

9 A. Yes, I do.

10 Q. Do you recognize that number?

11 A. Yes.

12 Q. Whose number is that?

13 A. That is the defendant's phone number.

14 Q. How do you know that?

15 A. I've seen it in various legal returns.

16 Q. Can we take a look at column Q. Whose number is this?

17 A. That's Shane Harris's number.

18 Q. Let's keep moving. Do you see the section on this, the
19 column titled "content"?

20 A. Yes.

21 Q. Could you read what's in this content section.

22 A. "Hi. I got your number from Shane P. I'm messaging from
23 Josh's phone. I'm hoping to validate anonymous' legitimacy
24 helping our family and authorize release of Josh's articles to
25 them when you get the chance. This group is apparently some

K2Q3SCH2

Schlessinger - Direct

1 computer group Josh was part of before and they have agreed to
2 switch from NYT to talk to you instead to help us. They claim
3 to have sent NYT some info on Russia and oligarchs already, but
4 will give you more info. So far they have been trustworthy and
5 helpful for us. We have never met any of them though."

6 Q. Could we scroll down to rows eight and nine. Let's move
7 over to column U.

8 So who sent these two messages?

9 A. Shane Harris.

10 Q. And column Q, who did he send them to?

11 A. The defendant.

12 Q. And column W, what's the date?

13 A. September 7, 2018.

14 Q. If we take a look at the content. Could you read the
15 content there.

16 A. "Hi. Thanks for getting in touch. I appreciate it. Can
17 you tell me which family member this is? Can you tell me your
18 name or your particular relationship to Josh?"

19 Q. Can we move down. Now for this message let's take a look
20 at column W. When was it sent?

21 A. September 7, 2018.

22 Q. Who sent it?

23 A. The defendant.

24 Q. Who did he send it to?

25 A. Shane Harris.

K2Q3SCH2

Schlessinger - Direct

1 Q. Can we move over to read the content of this.

2 A. "Hi, sorry we don't check this phone very often. This is
3 his brother Derek. My parents have his cell here at their home
4 in Lubbock. We can message from his number and e-mail from his
5 e-mail."

6 Q. Remind us, these Signal messages, where were they found?

7 A. They were found on the Samsung phone.

8 Q. Where was that Samsung phone recovered?

9 A. The MCC.

10 Q. Let's look at row 13. If we can scroll over to column W.
11 When was the message sent?

12 A. September 7.

13 Q. Who sent it?

14 A. Shane Harris.

15 Q. Who did he send it to?

16 A. The defendant.

17 Q. Let's take a look at the content.

18 A. "I do know this is his number. I have to tell you though
19 that I spoke to Roger a week or so ago and he advised me
20 against sharing any information. So is he now on board with
21 this?"

22 Q. Do you know if the defendant has any relatives named Roger?

23 A. Yes, I do.

24 Q. Who?

25 A. His father.

K2Q3SCH2

Schlessinger - Direct

1 Q. Can we look at rows 14 and 17 together. What day was these
2 messages sent?

3 A. September 7.

4 Q. Looking at column U, who sent them?

5 A. The defendant.

6 Q. And who received them?

7 A. Shane Harris.

8 Q. If we can look at content, please.

9 A. "He is against posting articles 9 and 10, which Josh wants
10 to post, but he's fine with giving the info to the anonymous
11 group to review as well as Josh's lawyer. Once Josh has edited
12 it and lawyer approves it they will post. I guess you would
13 feel more comfortable with my dad giving his direct approval?
14 We don't mean to distract you or waste your time much with
15 this."

16 Q. Let's take a look at row 18. So when was this sent?

17 A. September 7.

18 Q. From who?

19 A. Shane Harris.

20 Q. Who was it sent to?

21 A. The defendant.

22 Q. Can we look at the content, please.

23 A. "I would feel more comfortable if I heard from Roger
24 directly, yes. And I know you don't mean to distract me. I
25 appreciate that. It's not a distraction. I just want to

K2Q3SCH2

Schlessinger - Direct

1 ensure that I'm maintaining my commitment to my sources. If
2 Roger could call me that would get us over the hurdle."

3 Q. Could we publish Government Exhibit 812, please. Let's go
4 to the bottom of page one.

5 What's the date of this e-mail?

6 A. September 22, 2018.

7 Q. Who sent it?

8 A. The Annon1204@protonmail account.

9 Q. Who is it addressed to?

10 A. Shane.

11 Q. Who is this e-mail sent to?

12 A. Shane Harris.

13 Q. Let's take a look at the second sentence. Do you see that
14 where it says "The FBI raided Josh's parents' house last week"?

15 A. Yes.

16 Q. Are you aware of any raid by the FBI of the parents' house?

17 A. No, I'm not.

18 Q. Next do you see the line that says "I am attaching the
19 search warrants"?

20 A. Yes.

21 Q. Could you read that.

22 A. "I'm attaching the search warrants in Josh Schulte's case
23 along with his notes."

24 Q. Let's take a look at page 15. What's this?

25 A. This is a search warrant affidavit.

K2Q3SCH2

Schlessinger - Direct

1 Q. What case was it in?

2 A. This case.

3 Q. Do you see a name listed at the top there?

4 A. Yes, I do.

5 Q. Who is that?

6 A. Jeff D. Donaldson. He's the other case agent.

7 Q. Do you see at the bottom where it says "USG-confidential"?

8 A. Yes.

9 Q. Could we bring up Government Exhibit 828 alongside.

10 Remind us, what's Government Exhibit 828?

11 A. This was a protective order.

12 Q. Which case was this entered in?

13 A. This case.

14 Q. Can we go to page two, please. And could you read
15 paragraph two.

16 A. "The government will mark all items subject to this
17 protective order as USG-confidential."

18 Q. Can we look at paragraph three, please. Could you read the
19 first sentence there.

20 A. "The protected materials and the information and identities
21 contained or disclosed therein."

22 Q. Then could you read 3C.

23 A. "May be disclosed only by defense counsel and only to the
24 following persons in connection with this action hereinafter
25 designated persons."

K2Q3SCH2

Schlessinger - Direct

1 Q. Looking at the list of designated persons, do you see
2 reporters anywhere on that list?

3 A. No, I don't.

4 Q. Can we pull down Government Exhibit 828 and pull up
5 Government Exhibit 829.

6 What's Government Exhibit 829?

7 A. This is a transcript of a status conference.

8 Q. Did this status conference occur before the e-mail that we
9 saw in Government Exhibit 812?

10 A. Yes, it did.

11 Q. Can we turn to page seven of 829, please. Do you see where
12 the Court says "it contains various provisions"?

13 A. Yes.

14 Q. Could you read that paragraph.

15 A. "It contains various provisions, including that the
16 material marked USG-confidential shall be used by the defendant
17 and his counsel only for purposes of this action. It is not to
18 be disseminated to third parties, which apparently it was
19 disseminated to third parties."

20 Q. Now can we look at page eight. Do you see where the Court
21 asks Mr. Schulte, "Do you understand, yes?"

22 A. Yes.

23 Q. How does the defendant respond?

24 A. "I do now."

25 Q. We can put 829 away. Can we go back up to page two of

K2Q3SCH2

Schlessinger - Direct

1 Government Exhibit 812, please.

2 Could you read the last paragraph, please.

3 A. "Let us know how much you are interested in the tech
4 components and Josh's case. We have lots of his writings and
5 planned pro se motions and other info on his case, but most of
6 it is highly technical (including an expert report he did for
7 another inmate that will rock the tech world as it unveils
8 incredible FBI incompetence.) We aren't sure how much of this
9 is of interest to you and the Post or if it's better off in
10 Wired or something? Let us know if that's the case and we can
11 start to divert those aspects elsewhere."

12 Q. Do you know what Wired is?

13 A. Yes.

14 Q. What is it?

15 A. It's a tech magazine, publication.

16 Q. Can we bring up Government Exhibit 801 at page two, please.
17 Could you read the first sentence of the second paragraph.

18 A. "To my fellow engineers and the tech industry. The United
19 States of America has corrupted and perverted our creations to
20 serve their own manipulative purposes."

21 Q. We can go back to Government Exhibit 812. Let's look at
22 page two. Could you read the top paragraph.

23 A. "Attached are two of the search warrant applications in
24 Josh Schulte's case along with private notes Josh wrote
25 regarding the first warrant (couldn't attach due to size

K2Q3SCH2

Schlessinger - Direct

limits, sent here.)"

Q. Let's take a look at page three, now. Blow up the top. Do you see at the top where it says "probable cause"?

A. Yes.

Q. Did you see a date there?

A. Yes.

Q. What's the date listed?

A. September 10, 2018.

Q. The search warrant affidavit that's attached to this e-mail, does it have a probable cause section?

A. Yes, it does.

Q. Is that section of the search warrant numbered?

A. Yes, I believe so.

Q. Do the numbers that are listed in these notes roughly correspond to that?

A. Yes, they do.

Q. Let's look at what's on the page as numbered eight. Do you see where it says "in reality"?

A. Yes.

Q. Could you read that sentence, those two sentences.

A. "In reality, two groups, EDG and COG, and at least 400 people had access. They don't include COG who was connected to our DevLAN through Hickok, an intermediary network that connect both COG and EDG."

Q. Could you pull up Government Exhibit 1251, please. Sir,

K2Q3SCH2

Schlessinger - Direct

1 could you draw a circle around Hickok.

2 Could you draw a circle around the Altabackups.

3 Could we go back on 812 and look at page four.

4 Do you see where it says II A 8 C?

5 A. Yes.

6 Q. And where it says, "False. Even if stolen backup file was
7 accurate"?

8 A. Yes.

9 Q. Could you read that.

10 A. "False. Even if stolen backup file was accurate, this
11 argument is still false. The time stamp sets only a lower
12 bound on when data was stolen, not an upper bound. Data could
13 have been stolen and transmitted literally any day after 3/7
14 since backup files are retained and kept for months. So as a
15 very simple counterexample, someone could grab the 3/7 backup
16 file in July. In fact, this is the most probable action as it
17 obfuscates the day the data was stolen."

18 Q. Can we go to page 10. Do you see the sentence at the top
19 that starts "in fact."

20 A. Yes.

21 Q. Could you read that.

22 A. "In fact, in all actuality, the date of the backup is
23 almost certainly not the date the data was stolen as any
24 intelligent person would try to obfuscate the day the data was
25 stolen."

K2Q3SCH2

Schlessinger - Direct

1 Q. Can we pull up Government Exhibit 1207-27 and 1207-30,
2 please.

3 On 27, do you see a backup file listed for March 3,
4 2016?

5 A. Yes.

6 Q. And what's the date accessed for that file?

7 A. 4/20/2016.

8 Q. Is 4/20/2016 after March 3, 2016?

9 A. Yes, it is.

10 Q. On Government Exhibit 1207-30, do you see a backup file for
11 March 3, 2016?

12 A. Yes.

13 Q. What's the date accessed there?

14 A. 4/20/2016.

15 MR. KAMARAJU: Ms. Hurst, can we pull up Government
16 Exhibit 809 at page nine, please.

17 Q. Do you see where it says FreeJasonBourne@protonmail.com?

18 A. Yes.

19 Q. Was that one of the accounts you were able to access?

20 A. Yes, it was.

21 Q. Below that, do you see where it says Twitter?

22 A. Yes.

23 Q. What's written next to that?

24 A. Free Jason Bourne.

25 Q. Can we pull up Government Exhibit 3002, the stipulation

K2Q3SCH2

Schlessinger - Direct

1 between the parties and turn to page three. Could you read
2 that, please.

3 A. "If called as a witness, a representative of Twitter, Inc.
4 ("Twitter") with knowledge of the matter would testify that GX
5 1304-1 through 1304-3 are true and correct copies of documents
6 from the Twitter account @FreeJasonBourne and which were made
7 at or near the time by, or from information transmitted by, a
8 person with knowledge of the matters set forth in the records;
9 they were kept in the course of a regularly conducted business
10 activity; and it was the regular practice of that business
11 activity to maintain the records."

12 Q. Could we bring up Government Exhibit 1304-1, please. What
13 are we looking at here?

14 A. This is part of the search warrant return we received from
15 Twitter.

16 Q. What's the screen name?

17 A. Free Jason Bourne.

18 Q. What's the creation date for that account?

19 A. September 1st, 2018.

20 Q. What's the e-mail address listed?

21 A. FreeJasonBourne@protonmail.com.

22 Q. Do you know who Jason Bourne is?

23 A. Yes.

24 Q. Who is Jason Bourne?

25 A. Jason Bourne is a fictional CIA operative that is featured

K2Q3SCH2

Schlessinger - Direct

1 in the Jason Bourne movies.

2 Q. Let's pull up Government Exhibit 1304-2. Let's blow it up,
3 please.

4 What's this?

5 A. This is also part of the search warrant return from
6 Twitter. This was used as the header image on the Twitter
7 account.

8 Q. What's the name listed there?

9 A. Jason Bourne.

10 Q. Do you recognize the man in the picture?

11 A. Yes, I do.

12 Q. Who is that?

13 A. That's Matt Damon.

14 Q. Who played Jason Bourne in the movies?

15 A. Matt Damon.

16 Q. Can we pull up Government Exhibit 1303-47. Actually, I'm
17 sorry. Let's go to 44. What's the date of this e-mail?

18 A. September 1st, 2018.

19 Q. Who is it from?

20 A. Twitter.

21 Q. What account was it sent to?

22 A. The Free Jason Bourne ProtonMail account.

23 Q. Could you read the part that starts "we noticed a recent
24 login"?

25 A. "We noticed a recent login for your account

K2Q3SCH2

Schlessinger - Direct

1 @FreeJasonBourne. Device Chrome on Android, location Moldova."

2 Q. On September 1st, 2018, was the defendant being housed in
3 the MCC?

4 A. Yes, he was.

5 Q. Is the MCC in Moldova?

6 A. No, it isn't.

7 Q. Can we publish Government Exhibit 820-434, please.

8 Do you see where it says Turbo VPN?

9 A. Yes, I do.

10 Q. Do you know what Turbo VPN is?

11 A. Yes.

12 Q. What does Turbo VPN do?

13 A. So VPN stands for virtual private network. It describes a
14 general networking concept. It has a wide range of uses. One
15 use is to disguise your location. And Turbo VPN is an app that
16 provides that service.

17 Q. Do you see Orbot and Orfox?

18 A. Yes.

19 Q. What are those?

20 A. Those provide similar services.

21 Q. Let's pull up Government Exhibit 1303-48. What's the date
22 of this?

23 A. September 2, 2018.

24 Q. Who sent it?

25 A. Twitter.

K2Q3SCH2

Schlessinger - Direct

1 Q. And who is it sent to?

2 A. The Free Jason Bourne ProtonMail account.

3 Q. Again, could you read that language we noticed.

4 A. "We notice a recent login for your account

5 @FreeJasonBourne. Device Android, location Toulouse, France."

6 Q. Was the defendant housed at the MCC on September 2?

7 A. Yes, he was.

8 Q. Let's pull up Government Exhibit 1303-49 and 48.

9 What's the date and time of Government Exhibit

10 1303-49?

11 A. September 2, 2018, 8:07 p.m.

12 Q. Do you see where it say "we noticed"?

13 A. Yes.

14 Q. Could you read that.

15 A. "We noticed a recent login for your account

16 @FreeJasonBourne, device Chrome on Android, location Bucharest,

17 Romania.

18 Q. What's the length of time between the e-mails in Government
19 Exhibit 1303-48 and 49?

20 A. Approximately 15 minutes.

21 Q. Are Bucharest and Toulouse in the same country?

22 A. No, they're not.

23 Q. Can you get from Bucharest to Toulouse in 15 minutes?

24 A. Not that I know of.

25 Q. Let's publish Government Exhibit 1303-47. What's the date

K2Q3SCH2

Schlessinger - Direct

1 here?

2 A. September 1st, 2018.

3 Q. Who sent this e-mail?

4 A. Twitter.

5 Q. To what e-mail account was it sent?

6 A. FreeJasonBourne@protonmail.com.

7 Q. Could you read what it says after "final step."

8 A. "Confirm your e-mail address to complete your Twitter
9 account @FreeJasonBourne. It's easy, just click the button
10 below."

11 Q. Can we pull up Government Exhibit 809 at page 14. And
12 actually can we also have 1303-47.

13 What's the date on 1303-47?

14 A. September 1st, 2018.

15 Q. What's the date on page 14 of Government Exhibit 809?

16 A. September 2, 2018.

17 Q. Could you read the last sentence in the top paragraph
18 there.

19 A. "I also need to confirm my Twitter."

20 Q. Let's take a look at the next page of Government Exhibit
21 809. What's the date listed on this page?

22 A. 9/12.

23 Q. Looking at the bottom, can we blow that up, please. Could
24 you read what's listed there.

25 A. "Finalize copy by Friday. Edit during weekend, Sat, Sun,

K2Q3SCH2

Schlessinger - Direct

1 finalize. Monday 17th to Tuesday the 18th. DL disc UL WL.
2 19, 20, 21. Schedule tweets, 27th. Send tech reports MCC
3 letter. Russia pieces. Rest 22-25."

4 Q. Can we pull up Government Exhibit 822-7. Sorry. 822-2 at
5 page seven. Blow up row 180, please.

6 What's the date and time of this search?

7 A. August 26, 2018. 12:27 a.m. Eastern time.

8 Q. What was searched for?

9 A. "Send WikiLeaks message."

10 Q. Let's take a look at the next page of Government Exhibit
11 809. What's the date here?

12 A. 9/17.

13 Q. Do you see the paragraph that starts "I posted the FB"?

14 A. Yes.

15 Q. Could you read that.

16 A. "I posted the FB thing on the John Galt page and changed
17 the PW. We'll see what happens. Maybe a little interest? In
18 a week I'm going to dump all my stuff."

19 Q. What's the date that's a week after September 17, 2018?

20 A. September 24, 2018.

21 Q. Can we publish Government Exhibit 1301-3.

22 Remind us, what's this?

23 A. This is the search warrant return from Automattic.

24 Q. Let's take a look at the bottom seven entries there. Do
25 you see those?

K2Q3SCH2

Schlessinger - Direct

1 A. Yes.

2 Q. What's the date of all of those entries?

3 A. September 24, 2018.

4 Q. What's the event for all of those entries?

5 A. Trash_post.

6 Q. What's listed in the note for all those entries?

7 A. "Various pages of the presumption of innocence.net."

8 Q. Can we take a look at Government Exhibit 809 at 16. Could
9 you read the last paragraph.

10 A. "My articles I'm working through with Joel. He edited
11 articles one and two. Hopefully I can perfect them soon.
12 Ideally for release on the 25th but maybe not?"

13 MR. KAMARAJU: Can we show the witness and the parties
14 and the Court Government Exhibit 824.

15 I think there is no objection. The government would
16 ask to admit Government Exhibit 824.

17 THE COURT: Any objection, Ms. Shroff?

18 MS. SHROFF: No, your Honor, none.

19 THE COURT: They are admitted.

20 (Government's Exhibit 824 received in evidence)

21 MR. KAMARAJU: If we can publish that.

22 Q. What are we looking at?

23 A. This is the John Galt Facebook page.

24 Q. Do you see the section "posts"?

25 A. Yes.

K2Q3SCH2

Schlessinger - Direct

1 Q. Can we blow that up. What's the date of that?

2 A. September 25, 2018.

3 Q. Does September 25 have any relevance in the defendant's
4 life?

5 A. Yes, it does.

6 Q. What's that?

7 A. It's his birthday.

8 Q. Does September 25 have any independent significance to the
9 investigation?

10 A. Yes, it does.

11 Q. What's the significance of September 25, 2018?

12 A. On that date we met with Carlos Betances and he provided us
13 the information regarding the Samsung phone.

14 Q. Do you see the sentence that starts "what's up next"?

15 A. Yes.

16 Q. Could you read that.

17 A. "What's next? Set up of Twitter and tweets via snail mail
18 to Twitter?"

19 Q. Could you publish Government Exhibit 1303-50. What's this?

20 A. This is an e-mail from Buffer.

21 Q. What's Buffer?

22 A. Buffer is an app for your phone that allows you to organize
23 and manage your social media accounts, and it also provides a
24 scheduling service to schedule tweets or posts in advance.

25 Q. When you say posts, what kind of posts are you talking

K2Q3SCH2

Schlessinger - Direct

1 about?

2 A. It could be posts on Facebook or tweets on Twitter.

3 Q. Can you also schedule WordPress posts?

4 A. WordPress you can schedule through the WordPress site
5 itself.

6 Q. What's the date of this?

7 A. September 2, 2018.

8 MR. KAMARAJU: Can we publish Government Exhibit 822-2
9 at page eight, and blow up row 217.

10 Q. What's the date and time of this?

11 A. September 2, 2018, 7:43 p.m. Eastern time.

12 Q. What is searched for?

13 A. TweetDeck.

14 Q. What's TweetDeck?

15 A. TweetDeck is a similar application, allows you to schedule
16 tweets for Twitter.

17 Q. Can we pull up Government Exhibit 809 at page 15, first.
18 And do you see the line that starts "19, 20"?

19 A. Yes.

20 Q. Could you read that.

21 A. "19, 20, 21, schedule tweets 27th. Send tech reports MCC
22 letter."

23 Q. Now, can we go to page nine, please. You see where it says
24 "Twitter-Free Jason Bourne"?

25 A. Yes.

K2Q3SCH2

Schlessinger - Direct

1 Q. Do you see the first line under that looks, like it says
2 the bracket @Dept of Justice?

3 A. Yes.

4 Q. On Twitter, when you use the @ symbol, what does that mean?

5 A. It identifies a specific user.

6 Q. Could you read that first paragraph, please.

7 A. "The @Department of Justice arrested the wrong man for
8 Vault 7. I personally know exactly what happened as do many
9 others. Why are they covering it up? Meet the CIA's struck X.
10 Jeremy Weber and Karen at the CIA set up Joshua Schulte, Jeremy
11 Weber hacked Atlassian's Crowd and when Schulte, the admin,
12 found out, Karen issued him a memo/letter of warning for
13 self-granting admin privileges. The system administrator.
14 Self-granting admin privileges. Hmm. Right over the FBI's
15 head too. Or was it?"

16 Q. Can we look to the next page, please. Just blow up the top
17 there. Could you start reading from that section.

18 A. "Just to authenticate me first. The @CIA was involved in
19 the code for the initially planned cyber operation is on
20 Vault 7. Additionally, tool described in vendor report is in
21 fact Bartender. A CIA tool set for operators to configure for
22 deployment."

23 Q. We can zoom back out. Let's keep reading. Could you
24 scroll to the top of the page there at the top right.

25 Now, are you familiar with the hashtag marking there?

K2Q3SCH2

Schlessinger - Direct

1 A. Yes, I am.

2 Q. On Twitter, when you use the hashtag mark, what does that
3 mean?

4 A. It indexes a particular topic or theme. It is a way of
5 categorizing certain tweets.

6 Q. Could you read what's written there.

7 A. "#top secret #fuck your top secret."

8 Q. You could keep going.

9 A. "Or dump the secrets here."

10 Q. If we can zoom out and blow up that first paragraph, from
11 the top of the page. Could you read that.

12 A. "Let me first authenticate" slashed through "establish
13 credibility myself. The USG was involved in the source code
14 for the planned cyber espionage component is in the Vault 7
15 release."

16 Q. Let's go on to the next paragraph.

17 A. "The @CIA conducted numerous operations against and source
18 code is available in the Vault 7 release."

19 Q. Let's move on to the next paragraph.

20 A. "At vendor discovered tool in 2016, which is really the
21 CIA's Bartender tool suite. Bartender was written to deploy
22 against various targets. This source code is available in the
23 Vault 7 release."

24 Q. Let's look at the last paragraph there.

25 A. "Vault 7 contains numerous zero days and malware that could

K2Q3SCH2

Schlessinger - Direct

1 easily be deployed, repurposed, and released on to the world in
2 a devastating fashion that would make NotPetya look like
3 child's play."

4 Q. Do you know what NotPetya is?

5 A. Yes, generally.

6 Q. What is it?

7 A. It is a version of Russian malware.

8 Q. Let's look at the next page. Do you see the paragraph that
9 starts "The @Department of Justice"?

10 A. Yes.

11 Q. Could you read that paragraph.

12 A. "The @Department of Justice arrested the wrong man for
13 Vault 7. I personally know exactly what happened as do many
14 others -- why are they covering it up."

15 Q. Let's go to the last page, please. Could you read the top
16 paragraph.

17 A. "Your service, intense security investigations and pristine
18 criminal history can't even get you bail. As Josh Schulte has
19 said, you are denied a presumption of innocence. Ironical, you
20 do your country's dirty work but when your country accuses you
21 of a crime, you are arrested and presumed guilty. Until your
22 country protects you and honors your service, send all your
23 government's secrets here. WikiLeaks."

24 MR. KAMARAJU: No further questions at this time, your
25 Honor.

K2Q3SCH2

Schlessinger - Direct

1 THE COURT: We'll take our morning recess. We'll
2 resume at 20 after 11.

3 (Jury excused)

4 (Continued on next page)

5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

K2Q3SCH2

1 THE COURT: We also have a request -- please be
2 seated. A letter from Mr. Schulte's team dealing with the
3 documents that were produced late at the time of Michael's
4 testimony on the stand.

5 I read the letter this morning. Does the government
6 want to respond?

7 MR. KAMARAJU: We would like an opportunity, your
8 Honor.

9 THE COURT: When will you respond?

10 MR. KAMARAJU: If we can try to respond by the end of
11 the day or tomorrow morning.

12 THE COURT: That would be fine.

13 MR. KAMARAJU: Thank you.

14 THE COURT: Yes, Ms. Shroff.

15 MS. SHROFF: Your Honor, I have just a matter to raise
16 about the testimony that was elicited on direct. But may I ask
17 the witness to step out?

18 THE COURT: Yes. Step down, Mr. Schlessinger.

19 (Witness not present)

20 THE COURT: All right.

21 MS. SHROFF: Your Honor, the government elicited
22 evidence about a gentleman named Dan Hurley on direct
23 testimony. Dan Hurley was a lawyer or is a lawyer in Lubbock,
24 Texas, that I believe Mr. Schulte's family was consulting with
25 during the time that Mr. Schulte -- how should I say it -- was

K2Q3SCH2

1 not quite happy about my being on trial on another case. And
2 his family was trying to see if they should retain a lawyer.

3 At that time, Mr. Schulte had written a pro se bail
4 application, which as the Court is aware, the bail application
5 was given to the Court. Unfortunately, it was put on ECF for a
6 minute, not by Mr. Schulte. Immediately taken down. But, a
7 copy of that bail application was in fact given to Mr. Hurley.

8 Now, I know how Mr. Hurley got that bail application.
9 I received several calls from Mr. Hurley when the government's
10 representatives -- I don't know if it was the FBI or who --
11 tried to get the document back. I have knowledge that the
12 testimony from Special Agent Schlessinger is not fully
13 accurate. I'm not calling him a liar at all. I am just saying
14 that is -- it's not accurate, at least from my conversations
15 with Mr. Hurley.

16 Now, either this makes me a witness, makes Mr. Hurley
17 a witness. At the very least, I would have to cross-examine
18 him with personal knowledge of the facts.

19 I also tell the Court now that I believe the court
20 information security officers have information about all of the
21 steps that the CIA insisted be taken to get that bail
22 application back from a lawyer's office.

23 So, I think I need a little bit more of a longer
24 break. I don't know if the Court wants to talk to the CISO.
25 But, all of this is something that I'm just really not sure

K2Q3SCH2

1 what to do with on cross.

2 The second point is that the government also elicited
3 facts to the effect that Mr. Schulte's parents' house was not
4 raided. It was in fact raided. People did show up, demanded
5 that they give documents back. People showed up at our office
6 and demanded documents were given back. People insisted that
7 we delete the bail application in its entirety from every one
8 of our e-mails, files, and remove all of those documents.

9 So, if a person is writing these things down in a
10 notebook, and uses the word "raided" to talk about FBI agents
11 or CISOs showing up at their doorstep, that's not inaccurate.

12 So, I'm not sure where to go with this Dan Hurley
13 thing. But I did want to point out to the Court that we had
14 not anticipated that being part of this testimony. But,
15 essentially, I do have personal knowledge about how Mr. Hurley
16 reacted because he called me. I'm the one he called.

17 THE COURT: Mr. Kamaraju.

18 MR. KAMARAJU: The question was simply whether there
19 was an FBI raid. I asked the FBI witness if there was a raid
20 of an attorney's office. He said no. To the extent Ms. Shroff
21 wants on cross-examination to elicit all of the things she
22 thinks supports Mr. Schulte's view of it as a raid, she can do
23 that. I don't think Mr. Hurley's perspective of what happened
24 is really relevant. It is the defendant's perspective. And
25 the question was very specific to the use of the word "raid."

K2Q3SCH2

1 It was not was there any information collected. I asked him
2 whether the FBI actually visited the house. He said yes. So I
3 think she has the opportunity on cross-examination to ask.

4 MS. SHROFF: He elicited testimony about Mr. Schulte's
5 state of mind by asking this agent if he thought he had raided.
6 The question isn't whether or not he actually raided, right.
7 If Mr. Kamaraju's argument, as I understand it now, his
8 argument is all that matters is Mr. Schulte's state of mind.
9 So then why did he ask the question. Now I have to -- I would
10 actually say to Mr. Schlessinger here that Mr. Hurley was under
11 the impression that he was raided, and I think the CISO would
12 back him up. I think. I am not sure, because who knows. I
13 may be remembering something incorrectly.

14 But Mr. Hurley was entirely upset that anybody would
15 want back a document that was sent to him by a client for legal
16 advice. And I gave Mr. Schulte the legal advice. I told
17 Mr. Schulte I'm not going to file this bail application. No
18 judge is going to read 159 pages. If you don't believe it, go
19 send it to your private lawyer, and he did.

20 MR. KAMARAJU: Earlier in this trial Ms. Shroff did an
21 extensive cross about an e-mail that the defendant wrote in
22 which she said your perception of this is different than his
23 perception of this, and he's not angry about it. And she went
24 through -- I believe the witness was Frank Stedman. And she
25 went through it and elicited several facts about Mr. Schulte's

K2Q3SCH2

1 state of mind, and the facts that Mr. Schulte knew. It was
2 just fine. She can do the exact same thing now.

3 MS. SHROFF: Right. But I have knowledge of the real
4 state of mind of Mr. Hurley.

5 THE COURT: We've been through that, haven't we?
6 Isn't this your attempt to be excused so you can testify?

7 MS. SHROFF: No, no. I didn't know anything about
8 Mr. Hurley -- that's not true. Mr. Hurley was never raised in
9 any part of this. That's what this notebook, I had no idea
10 about anything -- in fact, the bail application, if you
11 remember, your Honor, was never an issue in any of the attorney
12 advice things. Not at all. It was never briefed.

13 MR. KAMARAJU: If Ms. Shroff wants to call him, she
14 can call him. We'll offer a stipulation to the fact that the
15 CISO went to collect it. This does not seem like anything
16 beyond the use of the word "raid." And if Ms. Shroff wants to
17 elicit facts that suggest, no, his use of the word "raid" was
18 reasonable as opposed to a substantial overstatement, she can
19 do that.

20 THE COURT: I think the government is right,
21 Ms. Shroff. You focus on the word "raid." There's three
22 people who showed up. I don't know if that's a raid, but if
23 Mr. Schulte says that's a raid, you can certainly cross-examine
24 on it.

25 MS. SHROFF: I think the testimony should be stricken.

K2Q3SCH2

1 THE COURT: Okay. That's the application?

2 MS. SHROFF: Yes.

3 THE COURT: It's denied. See you in five minutes.

4 MR. KAMARAJU: Thank you, your Honor.

5 (Recess)

6 (Continued on next page)

7

8

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

K2Q3SCH2

Schlessinger - Cross

1 (Jury present)

2 THE COURT: All set, Ms. Shroff?

3 MS. SHROFF: Yes, your Honor. Thank you.

4 CROSS-EXAMINATION

5 BY MS. SHROFF:

6 Q. Let me just take care of this before I forget, okay. You
7 testified, the last part of your testimony was about Twitter,
8 correct?

9 A. Yes.

10 Q. Okay. And there's all of that stuff about Jason Bourne; is
11 that right?

12 A. That's right.

13 Q. And you testified about Toulouse and Moldova and all of
14 those different places?

15 A. Correct.

16 Q. Right. You looked at the handle for Twitter, correct?

17 A. Yes.

18 Q. @JasonBourne, correct?

19 A. Yes.

20 Q. Was there anything posted under that handle?

21 A. No.

22 Q. Okay. So let's just review all of those things that
23 Mr. Kamaraju went through with you.

24 MS. SHROFF: Can somebody put up the documents with
25 the Twitter stuff. I think it's 809, page 14. So, can you

K2Q3SCH2

Schlessinger - Cross

1 blow -- 809, the screen you had before. Right up there.

2 Q. "I also need to confirm my Twitter," you see all that was
3 stuff that Mr. Kamaraju reviewed with you?

4 A. Yes.

5 Q. Okay. So, nothing on Twitter?

6 A. I mean there were the images, Jason Bourne.

7 Q. You mean the photo of Matt Damon?

8 A. Yes.

9 Q. Nobody thought Matt Damon was Mr. Schulte, right?

10 A. Well, it appeared to be his account.

11 Q. Okay. That's your opinion. Sure. But what I am saying is
12 nobody really walked around thinking that Matt Damon was Josh
13 Schulte, right?

14 A. Not that I am aware of.

15 Q. And there was nothing posted on that Twitter account?

16 A. There were no tweets.

17 Q. All of this stuff that he wrote -- take that off.

18 And then all the dates and the juxtapositions that
19 Mr. Kamaraju did and have you read all of those texts, do you
20 remember those texts? Can we pull up one of those texts,
21 whatever it is that you were hoping to find on Twitter. This
22 thing.

23 Let's read it together again. Actually, I'm tired of
24 listening to Jason Bourne.

25 None of this shows up, right, on Twitter anywhere?

K2Q3SCH2

Schlessinger - Cross

1 A. It wasn't posted on the Twitter account.

2 Q. It's not posted anywhere, correct?

3 A. Not that I am aware of.

4 Q. Right. He doesn't post it on the account you say is his
5 John Galt account, right?

6 A. Not this particular language, no.

7 Q. No, no, I'm only asking about this particular language.

8 A. There were posts on the John Galt.

9 Q. No, no, listen, listen. Look at the exhibit. It is the
10 only thing I'm asking about. Okay? Was this posted on the
11 John Galt account?

12 A. No.

13 Q. Jason free Bourne, whatever it is?

14 A. No.

15 Q. Okay. Was it printed anywhere in all of the nine articles
16 that Mr. Schulte wrote?

17 A. No.

18 Q. Okay. We can take that down.

19 Let me ask you this. When Mr. Schulte was writing all
20 of these things down in his notebook, do you know how long he
21 had been in prison?

22 A. I'm not sure exactly.

23 Q. Well, you're testifying today on behalf of the United
24 States, correct?

25 A. Yes.

K2Q3SCH2

Schlessinger - Cross

1 Q. You prepared for your testimony?

2 A. Yes.

3 Q. Did you know how long he had been sitting in jail when he
4 started writing these accounts?

5 A. It was close to a year, I think.

6 Q. You don't know if it was more than a year?

7 A. I don't know exactly when he started writing the articles.

8 Q. Okay. I'm going to come back to the articles in a minute,
9 okay. But I'm going to revert back for a minute to your
10 investigation of the MCC cells, okay?

11 A. Okay.

12 Q. All right. So let's start with what prompted you to get
13 involved with the MCC, which was you talking to Mr. Betances,
14 correct?

15 A. That's right.

16 Q. And sir, I'm correct, am I not that -- can somebody find
17 that.

18 You were physically present, were you not, when
19 Mr. Betances was being proffered, correct?

20 A. Yes, I was.

21 Q. And you were the special agent who participated in
22 Mr. Betances' proffer sessions, correct?

23 A. Yes, I was.

24 Q. And you took notes when he was testifying, correct?

25 A. No, I don't think I did.

K2Q3SCH2

Schlessinger - Cross

1 Q. Okay. Did you file a search warrant affidavit based on
2 your conversation with Mr. Betances?

3 A. No, I didn't.

4 Q. You didn't file a search warrant affidavit?

5 A. No, I was not the affiant.

6 Q. No, no, I know you were not the affiant. For sure. Who
7 was the affiant by the way?

8 A. I believe it was Agent Donaldson.

9 Q. Agent Donaldson was the affiant, right? That's Agent
10 Donaldson sitting right there, right?

11 A. Yes.

12 Q. You would agree with me, would you not, that he is a very
13 careful special agent?

14 A. Yes, I would.

15 Q. And you are a very careful special agent, correct?

16 A. I'd like to think so.

17 Q. Right. And you and Special Agent Donaldson reviewed the
18 MCC affidavit, correct?

19 A. I don't remember if I reviewed it.

20 Q. Let's have you take a look.

21 MS. SHROFF: May I, your Honor?

22 THE COURT: Yes, you may.

23 Q. Here you go, sir. One of these prosecutors drafted the
24 affidavit, correct?

25 A. Yes.

K2Q3SCH2

Schlessinger - Cross

1 Q. You testified this was of monumental importance because you
2 had 50 agents going into the MCC.

3 A. That's right.

4 Q. You wanted to make sure that whatever information was given
5 to the magistrate judge that was going to issue this affidavit
6 was accurate, correct?

7 A. Yes.

8 Q. In that affidavit, would you agree with me that there is a
9 section that talks about Mr. Schulte and Mr. Amanat arranging
10 to have the cell phones smuggled to the MCC, correct? Take a
11 look at page 10.

12 THE COURT: What page, Ms. Shroff?

13 MS. SHROFF: 10, please.

14 THE COURT: Thank you.

15 Q. So let's review that what you remember Mr. Betances telling
16 you, okay?

17 A. Okay.

18 Q. And again, this is the affidavit that was submitted, right?
19 Because I gave you the cover page.

20 A. Yes.

21 Q. Okay. And you have no doubt that that's the affidavit
22 submitted, right?

23 A. No, I don't.

24 MS. SHROFF: And does the government have an objection
25 to me moving it in subject to some redactions?

K2Q3SCH2

Schlessinger - Cross

1 MR. KAMARAJU: Yes, we would object.

2 MS. SHROFF: Your Honor, we ask that the affidavit be
3 admitted as was protective order in the case, as was the
4 transcript --

5 THE COURT: The document will be admitted subject to
6 review for classification.

7 MS. SHROFF: Thank you.

8 THE COURT: It is admitted.

9 (Defendant's Exhibit J received in evidence)

10 Q. Let's take a look now that it's in evidence. I just want
11 you to to take a look at paragraph 13, okay. I'm going to read
12 it and you stop me wherever you want, where the affidavit is
13 false. Okay? You with me?

14 A. Yes.

15 Q. "I have participated in an interview of an inmate at the
16 MCC who was housed in Unit 1 with Amanat and Schulte until
17 recently the CS, footnote 5." Correct?

18 A. Yeah, Unit 1 may not be accurate. I don't know if that's a
19 reference to another -- that's just being referred to as Unit
20 1?

21 Q. It is.

22 A. Okay.

23 Q. And the footnote says -- stay with me. "The CS is facing
24 immigration and narcotics trafficking charges," correct?

25 Q. Your confidential source is Mr. Betances, right?

K2Q3SCH2

Schlessinger - Cross

1 A. Yes, that's right.

2 Q. So that clause is correct.

3 A. Yes.

4 Q. Okay. "And is cooperating in the hopes of receiving a more
5 lenient sentence and potential immigration benefits." Also
6 correct?

7 A. I don't know his motivation.

8 Q. You were there, weren't you, when he was proffering?

9 A. Yes.

10 Q. Okay. It is in an affidavit to a federal judge, correct?

11 A. Yes. I don't recall him saying that was his motivation.

12 Q. Sir, whether you recall it or not, sitting here today, do
13 you have reason to believe that Mr. Donaldson falsely wrote
14 something in a federal affidavit?

15 A. No, I don't.

16 Q. Okay.

17 (Continued on next page)

K2qWsch3

Schlessinger - Cross

1 BY MS. SHROFF:

2 Q. OK. "As described in this affidavit, the CS's information
3 has at least partly been corroborated by, among other things, a
4 seizure of at least one contraband cell phone," right?

5 A. That's what it says.

6 Q. Right. Do you agree with it, or no?

7 A. I'm not sure what it's referring to.

8 MS. SHROFF: OK. Now let's go back up. 13-8.

9 Q. "For the past several months, the CS has been paid by
10 Amanat to store and charge the contraband cell phone."

11 A. Yes, I remember Mr. Betances saying that.

12 Q. No, no. Mr. Betances said he was never paid. I'm asking
13 you if the affidavit says he was paid.

14 A. That's what it says.

15 Q. Right. The next sentence I don't care about, but just for
16 continuity, let's keep going: "The contraband cell phone was
17 smuggled into the MCC" --

18 You have no doubt that they were smuggled in by
19 Mr. Betances's wife, right?

20 A. I wasn't sure how they smuggled the cell phones in.

21 Q. Right.

22 A. He didn't explain that.

23 Q. Let's take a minute. Let's step back, go two sentences
24 back.

25 You had Mr. Betances in a proffer session, right?

K2qWsch3

Schlessinger - Cross

1 A. Yes.

2 Q. You had ample opportunity to ask him, right?

3 A. We did.

4 Q. Correct. And you asked him, right, who smuggled the phones
5 in? Correct?

6 A. Yes.

7 Q. He told you his wife, right?

8 A. He did not.

9 Q. He did not tell you his wife?

10 A. Not at that proffer.

11 Q. At any proffer?

12 A. Not that I recall.

13 Q. So the first time you heard him admit that it was his wife
14 that brought the phone into the MCC was when he took the
15 witness stand?

16 A. Yes.

17 Q. OK. Remember when Mr. Betances said that it was his
18 obligation to tell the truth and the complete truth, he hadn't
19 told the complete truth from the witness stand then, correct,
20 according to you?

21 MR. KAMARAJU: Objection, your Honor.

22 THE COURT: Sustained.

23 MS. SHROFF: Well, he was in court, your Honor.

24 MR. KAMARAJU: She can't ask the witness to comment on
25 another witness's credibility.

K2qWsch3

Schlessinger - Cross

1 THE COURT: That's the basis for the objection. It's
2 sustained on that basis.

3 BY MS. SHROFF:

4 Q. Had he told you that before?

5 A. Had he told me what before?

6 Q. That his wife smuggled the phones into the MCC.

7 A. I don't recall him ever telling me that before.

8 Q. OK. And as an FBI agent, you would ask that question,
9 correct, How did the phones get into the MCC?

10 A. We did ask that question, yes.

11 Q. OK. Let's take a look at paragraph C. "For a time the CS
12 was tasked with storing and charging the contraband cell phones
13 in the CS's cell," correct?

14 A. Yes.

15 Q. And according to this affidavit, it goes on to state that
16 the CS also knew the passwords for the devices, correct?

17 A. Yes.

18 Q. And the rest of it is not important to me, but Mr. Kamaraju
19 may well bring it up when he calls you back on redirect, but
20 this affidavit section -- right -- is certainly about
21 Mr. Betances; there's no doubt in your mind? Right?

22 A. Yes.

23 Q. OK. And it's your colleague Mr. Donaldson who swore out
24 this affidavit, correct?

25 A. Yes.

K2qWsch3

Schlessinger - Cross

1 Q. Under oath, correct?

2 A. Yes.

3 Q. Put his hand up just like a witness does here, right?

4 A. Presumably.

5 Q. Right. And said I promise to tell the truth, correct?

6 A. I wasn't there, but presumably.

7 Q. OK. Well, you've sworn out affidavits before, right?

8 A. I haven't.

9 Q. I've seen you in mag court. You've never sworn out an
10 affidavit?

11 A. No, I haven't.

12 Q. OK. Let's move to the next spot, OK, staying still with
13 Mr. Betances? Did you ever talk to Mr. Betances's wife?

14 A. No, we didn't.

15 Q. Did you ever ask her -- you haven't talked to her so I
16 withdraw that.

17 Did you check Mr. Betances's commissary account?

18 A. No, we didn't.

19 Q. Did you know how much money he had in his commissary
20 account at any given time?

21 A. No.

22 Q. Did you map out for the government at any point how much
23 money he had in his commissary account before the influx of the
24 cell phones versus after the influx of the cell phones?

25 A. No, we didn't.

K2qWsch3

Schlessinger - Cross

1 Q. Did you know for how long Mr. Betances had been holding
2 cell phones in the MCC?

3 A. No, not exactly.

4 Q. OK. Let's talk about Mr. Shane Harris. OK?

5 You testified that Mr. Shane Harris is the reporter for the
6 Washington Post, is that correct?

7 A. Yes.

8 Q. In light of your investigation of all of the articles that
9 Mr. Harris received, did you review all of them?

10 A. I don't know if I reviewed all of them. I've reviewed some
11 of them for sure.

12 Q. Why don't you tell us the ones you've reviewed.

13 A. The articles that were published in May of 2018.

14 Q. Do you remember a title?

15 A. No.

16 Q. Did you review -- how about the Presumption of Innocence;
17 did you review that one?

18 A. I did.

19 Q. And what was it about, by the way?

20 A. I don't recall specifically.

21 Q. You don't recall it was all about his own case, that it had
22 all of the court proceedings here? Do you recall if it was
23 about that?

24 A. It was about this case, yes.

25 Q. It was about his own case, right?

K2qWsch3

Schlessinger - Cross

1 A. Yes.

2 Q. He wrote pages and pages about how his bail was reviewed,
3 correct?

4 A. Yes.

5 Q. He wrote out, he took quotes from transcripts and wrote
6 them out, correct?

7 A. Yes.

8 Q. And he wrote out his views, so to speak, on the criminal
9 justice system, correct?

10 A. That's correct.

11 Q. There was nothing about Russia in that article, correct?

12 A. Not in that article, no.

13 Q. Nothing about the oligarch -- I don't even know what that
14 is, but let's just talk about that. Nothing about that in that
15 article, correct?

16 A. Not in that specific article, no.

17 Q. I'm only talking about that one specific article and I'm
18 talking about that specific article. OK?

19 A. OK.

20 Q. Do you remember, sitting here today, how long that article
21 was?

22 A. I don't remember.

23 Q. Do you ever remember Mr. Schulte writing anything shorter
24 than a hundred pages?

25 A. Uh --

K2qWsch3

Schlessinger - Cross

1 Q. No, right?

2 A. I seem to recall some articles that were less than a
3 hundred pages.

4 Q. OK. Sitting here today, you do not know which --

5 MS. SHROFF: Let's just show you any one of those
6 screenshots from that ProtonMail thing.

7 Q. Do you remember all of those snapshots -- not snapshots,
8 screenshots that Mr. Betances took?

9 A. Yes.

10 Q. Can you tell me if any one of those -- where it says
11 article 8, subtitle origins, do you remember that?

12 A. I do.

13 Q. Nothing to do with Russia?

14 A. No.

15 Q. Had all to do with his case, correct?

16 A. Yes.

17 Q. And this one is the Presumption of Innocence. Do you see
18 that?

19 A. Yes.

20 Q. OK. We do have a presumption of innocence, right?

21 A. Yes.

22 MS. SHROFF: OK. Let's look at the next one. Any
23 one. Just randomly pick one. This has nothing to do with it.
24 You can move on. I'm just trying to show him his articles.

25 Q. But you agree that you saw these articles and you read

K2qWsch3

Schlessinger - Cross

1 them, correct?

2 A. Yes.

3 MS. SHROFF: We're on the wrong series.

4 Q. And you took a look at them, right?

5 A. Yes.

6 Q. And when you took a look at them, did you read and point
7 out any sections for the government?

8 A. I don't remember doing that.

9 Q. OK. Let's look at this one that is up here now, talking
10 about -- I think you read parts of this one. Right?

11 A. Yes.

12 Q. Talking about, I don't know, some Fortune 500 company, how
13 people tend to get promoted, how some people are incompetent
14 and have an idiotic nature, correct?

15 A. Yes.

16 Q. OK. Nothing to do with Russia?

17 A. No.

18 MS. SHROFF: OK. We can move that one aside also.

19 Q. And by the way, do you know if Mr. Harris received all
20 these articles?

21 A. I don't know, sitting here.

22 Q. Do you, by any chance, know if the Washington Post
23 published all of these articles?

24 A. I don't believe they did.

25 Q. Right? They didn't publish any of them, right?

K2qWsch3

Schlessinger - Cross

1 A. No.

2 Q. Nothing to do with Russia did they publish from these
3 Proton emails, correct?

4 A. I don't know.

5 Q. Really? You didn't follow up as the case agent or one of
6 the co-case agents to see if the Washington Post published
7 anything about Russia and its oligarchs or Marc Kasowitz that
8 was found in there?

9 A. They may have published things related to that. I don't
10 know if the source of that information was from the defendant
11 or not.

12 Q. OK. Well, sitting here today, sir, had they published
13 something like that, would you not mark that into evidence?

14 A. Uh --

15 Q. I mean, wouldn't you want that marked into evidence?

16 A. Yeah.

17 Q. OK. By the way, these articles, they were uploaded to
18 WordPress -- I keep calling it world press, but it's not world.
19 It's WordPress, right?

20 A. Yes, that's right.

21 Q. OK. They're still up on WordPress now, correct?

22 A. I think so.

23 Q. Right. In fact, all nine of those articles are up. Nine,
24 ten, I don't know how many. I never read them, but --

25 A. Yes.

K2qWsch3

Schlessinger - Cross

1 Q. -- they're up there, right?

2 A. Yes.

3 Q. Today, February -- where are we, 24th, 25th?

4 A. I didn't check today, but presumably.

5 Q. OK. They were still up the last time you checked, right?

6 A. Yes.

7 THE COURT: It's the 26th.

8 MS. SHROFF: Thank you, your Honor.

9 Q. Presumption of Innocence is still up there, correct?

10 A. I don't know.

11 Q. OK. He's talking about asking humbly the American people
12 to stand up and challenge our government and fix the problems,
13 correct?

14 A. He says a lot of things in those articles.

15 Q. For sure. Absolutely. He says a lot of things, but you
16 and the United States Attorney's Office only cherry-picked
17 some, right?

18 A. No, I don't think that's accurate.

19 Q. OK. Then tell me what else did the article say if that was
20 not accurate --

21 A. I don't recall.

22 Q. -- if it wasn't cherry-picked.

23 A. I don't recall exactly what the article said.

24 Q. OK. So you only recall what you cherry-picked and focused
25 on, correct?

K2qWsch3

Schlessinger - Cross

1 A. We reviewed all of the articles.

2 Q. OK. I trust you. Tell me. What else did the articles
3 say?

4 A. I know it revealed in one of the articles a location of a
5 CIA offsite.

6 Q. Very nice. Thank you. That's not what I'm asking. You
7 know it, right? So let me try again. What else did the
8 articles say?

9 A. I don't recall.

10 Q. You don't recall, right?

11 OK. Let's talk about that cell search, OK, at the MCC?
12 Are you with me?

13 A. Yes.

14 Q. OK. Now, in that cell search in the MCC, did you know what
15 cell Mr. Schulte was in?

16 A. Yes, we did.

17 Q. Right. Because you coordinated with the MCC, right?

18 A. That's right.

19 Q. MCC told you which cell he was on, correct -- in, correct?

20 A. Yes.

21 Q. They told you who his bunkee was, correct?

22 A. Yes.

23 Q. His bunkee was Omar Amanat, correct?

24 A. That's right.

25 Q. And the further you went along, you researched Omar Amanat,

K2qWsch3

Schlessinger - Cross

1 criminal detainee, correct?

2 A. Yes.

3 Q. You saw that he had a criminal case, correct?

4 A. Yes.

5 Q. He had a case before Judge Paul Gardephe, correct?

6 A. I didn't know the specific judge, but yes.

7 Q. You pulled his docket sheet, correct?

8 A. I don't know if we did that.

9 MS. SHROFF: OK. Could we have the docket sheet.

10 Q. And you tried to figure out what Omar Amanat was charged
11 with, correct?

12 A. Generally, yes.

13 Q. Right. And Omar Amanat was charged with something having
14 to do with Russia, correct?

15 A. I don't know. I'm not familiar with his case.

16 Q. You're not familiar with his case. OK. Are you familiar
17 with his codefendant's name?

18 A. No.

19 Q. Do you know his codefendant's name was K-A-L-I-E-L Isaza
20 Tuzman, T-U-Z-M-A-N?

21 A. I did not know that.

22 Q. You did not know that?

23 A. No.

24 Q. Did you know Omar Amanat was Huma's -- who was Hillary
25 Clinton's -- cousin? Did you know that?

K2qWsch3

Schlessinger - Cross

1 A. Yes, I do.

2 Q. OK. So he's pretty well-heeled, correct?

3 A. That's my understanding.

4 Q. Right. You understand him to have money, correct?

5 A. Yes, I do.

6 Q. He had several retained lawyers, correct?

7 A. I don't know that.

8 Q. And when you went and searched their cell -- right? It's
9 one cell, correct?

10 A. They are in one cell.

11 Q. Right.

12 A. Yes.

13 Q. Were you able to distinguish Mr. Amanat's stuff from
14 Mr. Schulte's stuff?

15 A. Yeah, we could -- to some extent, yes.

16 Q. Right. And to some extent not, right?

17 A. Yes.

18 Q. Right. They're two men living in a very close cell, right?

19 A. Yes.

20 Q. The cell has a toilet in it, correct?

21 A. Yes.

22 Q. A sink in it, correct?

23 A. Yes.

24 Q. Two beds in it, correct?

25 A. Correct.

K2qWsch3

Schlessinger - Cross

1 Q. And about the size of a very small space, right, tight
2 space?

3 A. Yes.

4 Q. OK. And you found stuff in there that was either, that you
5 could separate -- I'll take your word for it -- that you
6 thought was definitely Mr. Schulte's, correct?

7 A. Yes.

8 Q. And you thought there was stuff that definitely was
9 Mr. Amanat's, correct?

10 A. Yes.

11 Q. OK. Did you find anything from Mr. Schulte to anyone in
12 Russia?

13 A. Not in his cell, no.

14 Q. Anywhere. Did you find anything at all that Mr. Schulte
15 sent to anyone in Russia?

16 A. Not that I'm aware of, no.

17 Q. Right. He had no emails to anyone at all in all of the
18 different countries that you talked about, Tuluz and Moldova
19 and everything else, nothing to Russia, right?

20 A. No.

21 Q. OK. Did you find anything at all linking Mr. Schulte by
22 email to an entity in Russia?

23 A. No.

24 Q. When you searched the cells, correct, did you find any cell
25 phones in the Amanat or Schulte cell itself?

K2qWsch3

Schlessinger - Cross

1 A. No, we didn't.

2 Q. Right. And when you searched the MCC, you found only one
3 cell phone, correct?

4 A. No.

5 Q. No, no. On the first day.

6 A. We didn't find any cell phones.

7 Q. You didn't find any cell phones at all, right?

8 A. No.

9 Q. And when was the first time you found a cell phone?

10 A. So, we were contacted by the Bureau of Prisons. I think it
11 was a day or two after our search, and they had found the
12 Samsung cell phone and they alerted us.

13 Q. OK. So 50 Federal Bureau of Investigation agents went in
14 and didn't find it themselves?

15 A. That's right.

16 Q. So the prison gave you the cell phone that they found, the
17 Samsung?

18 A. Correct.

19 Q. Where did they find it?

20 A. I don't know.

21 Q. Special Agent Schlessinger, you're in charge of the MCC
22 investigation, right? You do know where you found that cell
23 phone, right? You just don't remember, maybe?

24 A. It was at the MCC. I don't know specifically where they
25 found it.

K2qWsch3

Schlessinger - Cross

1 Q. Didn't you have any inkling where it was found?

2 A. We were confident it was the same phone based on the IMEI,
3 the serial number.

4 Q. I know you were confident, sir. My question to you is
5 didn't you want to know where it was found?

6 A. They may have mentioned it to me. I just don't remember
7 where.

8 Q. OK. How long was it before the second cell phone was
9 found?

10 A. I don't remember.

11 Q. OK. Let's talk about the Samsung phone. OK?

12 A. OK.

13 Q. All right. How many days went by between your first
14 attempt to find the phone and the Bureau of Prisons telling you
15 that they had found the phone?

16 A. I believe it was a few days, at the most.

17 Q. It was a few days, right?

18 A. At the most.

19 Q. At the most.

20 And when you went in to search for that phone and you
21 didn't find it, you and the Bureau of Prisons made sure that
22 Mr. Schulte was moved, correct?

23 A. We had no role in that decision.

24 Q. I didn't ask you if you had a role. My only question was,
25 you know that Mr. Schulte was moved, correct?

K2qWsch3

Schlessinger - Cross

1 A. Yes.

2 Q. Right. And you were surely told, were you not -- or
3 learned -- that Mr. Schulte was no longer left in a place where
4 he could access a phone, correct?

5 A. I don't know if that's the case.

6 Q. You don't know if that's the case?

7 A. No.

8 Q. So you don't know if he was moved to the SHU? It's your
9 testimony, under oath, that you don't know and you didn't want
10 to find out if this man, who had a cell phone and was so
11 dangerous that you had 50 people go in, that he had not been
12 moved in the MCC to a spot where he could no longer use a
13 phone?

14 A. I was aware he was moving. I'm not sure that means he had
15 no access to a phone there.

16 Q. Didn't you want to make sure of that?

17 A. Yes.

18 Q. You were concerned, right?

19 A. Yes.

20 Q. You were very concerned; you had 50 agents?

21 A. Yes.

22 Q. And you made sure to tell the Bureau of Prisons make sure
23 he doesn't have access to a phone, right?

24 A. We didn't say that, no.

25 Q. You didn't say that?

K2qWsch3

Schlessinger - Cross

1 A. No.

2 Q. How about the government?

3 A. I don't know.

4 Q. OK. Isn't it fair to say, sir, that during your
5 investigation you learned that Mr. Amanat was still in general
6 population?

7 A. I was aware of that, yes.

8 Q. Right. And then you're also aware, are you not, sir, that
9 between the time of the first day that you go into the MCC and
10 the time you get the phone, that phone is still in use? Right?

11 A. No. I don't think I understand your question.

12 Q. There are a couple of days when that Samsung phone is in
13 the MCC; you can't find it, right?

14 A. Right.

15 Q. OK. Do you check, sir, as part of your investigation here,
16 to see if during the time that Mr. Schulte's moved out of that
17 cell but Amanat is still in general population, whether that
18 same Samsung phone is in use?

19 A. I don't know.

20 MS. SHROFF: Can I have that spreadsheet.

21 Q. Take a look. Is it in use?

22 MS. SHROFF: Please highlight.

23 A. I don't know the date that Mr. Schulte was moved to another
24 cell, so I can't say whether the phone was active after he
25 moved.

K2qWsch3

Schlessinger - Cross

1 Q. OK. You're the FBI agent in charge of MCC and cell phones,
2 right?

3 MS. SHROFF: Mr. Kamaraju, I'm assuming that you won't
4 object. This is in, right?

5 OK.

6 Q. Can you take a look at that highlighted box? Take a look
7 there.

8 Hey, let me ask you something, Special Agent Schlessinger.
9 If you asked the Bureau of Prisons to tell you where
10 Mr. Schulte was housed during that time, they would tell you,
11 right?

12 A. Yes.

13 Q. OK. So you could easily tell where Mr. Schulte was in the
14 MCC, correct?

15 A. Yes.

16 MS. SHROFF: OK. We can take that down. It's OK.

17 Now, if we could just pull up Mr. Schulte writing
18 about Dan Hurley, that exhibit, the FBI going to raid his
19 lawyer's house.

20 Q. Let me direct your attention, if I may, do you know who Dan
21 Hurley is?

22 A. Yes, I do.

23 Q. Who is Dan Hurley?

24 A. I believe he was an attorney retained by the defendant's
25 parents.

K2qWsch3

Schlessinger - Cross

1 Q. OK. And he was retained by Mr. and Mrs. Schulte over here?

2 A. That's my understanding.

3 Q. Right. And you know that because you confirmed that,
4 right?

5 A. Uh -- confirmed -- that was my understanding. I don't
6 know.

7 Q. OK. Fair enough. And is it fair to say that as part of
8 your understanding you also knew that his parents were
9 consulting with an attorney for Mr. Schulte at that time,
10 correct?

11 A. Yes.

12 Q. And Mr. Schulte had a bail application that was sent to
13 Mr. Hurley, correct?

14 A. That was my understanding.

15 Q. And Mr. Hurley is a lawyer, correct?

16 A. Yes.

17 Q. A criminal defense lawyer, correct?

18 A. Yes.

19 Q. In Lubbock, Texas, correct?

20 A. I believe so.

21 Q. OK. And he was reviewing the bail application, correct?

22 A. I don't know.

23 Q. What do you mean you don't know?

24 A. I don't know what Mr. Hurley was doing.

25 Q. OK. You saw this email, correct?

K2qWsch3

Schlessinger - Cross

1 A. Yes.

2 Q. And it says, "The FBI actually raided an attorney Schulte
3 was conferring in Texas named Dan Hurley," correct?

4 A. That's what it says.

5 Q. And you said that there was no raid, correct?

6 A. Correct.

7 Q. And what is your definition of a raid?

8 A. I think of a raid as involving a search warrant being
9 executed.

10 Q. So if five FBI agents show up at Dan Hurley's office and
11 say, Hey, we don't have a warrant, but you have a bail
12 application and we want it, you would consider that not a raid?

13 A. Uh --

14 Q. Just yes or no.

15 A. It would depend.

16 Q. On what?

17 A. If there was a search warrant being executed.

18 Q. OK. Say there's no search warrant being executed.

19 A. No, I wouldn't consider that a raid.

20 Q. So the only time there's a raid is when there's a search
21 warrant with it, correct?

22 A. That would be my definition.

23 Q. OK. So it's fair to say that your definition of a raid
24 would be different than a layperson's definition of a raid,
25 correct?

K2qWsch3

Schlessinger - Cross

1 A. Potentially, yes.

2 Q. What do you mean potentially?

3 A. It could be.

4 Q. It could be, right?

5 A. Yes.

6 Q. OK. By the way, did you ever talk to Dan Hurley?

7 A. No.

8 Q. Do you know that the court security officers were sent to
9 Dan Hurley's office to get the bail application?

10 A. I'm aware that the CISO was involved because they
11 considered the bail application --

12 Q. No, no, no.

13 A. -- to be classified and they had to recover it from
14 Mr. Hurley's office.

15 Q. Mr. Hurley is an attorney, correct?

16 A. Yes.

17 Q. Let's just keep Mr. Hurley to the left. Keep him in mind.
18 OK?

19 A. OK.

20 Q. And let's just talk about the other attorneys that
21 Mr. Schulte had when Mr. Schulte was proffering to your office.
22 OK? Remember that time?

23 A. I wasn't involved at that time.

24 Q. I know.

25 A. But I'm aware of that.

K2qWsch3

Schlessinger - Cross

1 Q. Right. You're aware, though, right?

2 A. Yes.

3 Q. You're aware of an attorney named Taylor Koss, correct?

4 A. Yes.

5 Q. Not cleared, correct?

6 A. I don't know.

7 Q. Not cleared, no clearance whatsoever, correct?

8 A. I don't know.

9 Q. No, no. You do know. You do know that Ms. Koss, Mr. Koss,
10 whoever it is, had no clearance at all, correct?

11 A. I don't know that.

12 Q. You have been in every court appearance on this case, have
13 you not, sir?

14 A. I don't know if that's true.

15 Q. OK. You've never heard me say that Koss has not been
16 cleared in an open court?

17 MR. KAMARAJU: Objection. She can't testify.

18 THE COURT: Overruled.

19 MS. SHROFF: I'm not testifying, your Honor.

20 THE COURT: Did you ever hear that?

21 A. Yes, I've heard that.

22 Q. OK. Koss was at the proffers, correct?

23 A. Yes.

24 Q. Outside of a SCIF, correct?

25 A. Yes.

K2qWsch3

Schlessinger - Cross

1 Q. FBI has SCIFs, correct?

2 A. Yes.

3 Q. U.S. Attorney's Office has SCIFs, correct?

4 A. Yes.

5 Q. This building has SCIFs, correct?

6 A. Yes.

7 Q. CIA has SCIFs, correct?

8 A. Yes.

9 Q. In fact, you could even rent a SCIF if you wanted to,
10 correct?

11 A. I didn't know that.

12 Q. OK.

13 A. No.

14 Q. Not one of his proffers was in a SCIF, correct?

15 A. As far as I know.

16 Q. Right.

17 A. No.

18 Q. So he was being proffered on information about the CIA,
19 correct?

20 A. Yes.

21 Q. Outside of a SCIF, correct?

22 A. Yes.

23 Q. Uncleared lawyers, correct?

24 A. That's my understanding.

25 Q. Right. And no FBI agent or CISO showed up knocking on that

K2qWsch3

Schlessinger - Cross

1 door saying, There's classified information that could come up,
2 please give us all your notes, correct?

3 A. Not that I'm aware of, no.

4 Q. OK. Do you remember on direct testimony Special Agent
5 Evanchec testifying yesterday? You were here, right?

6 A. Yes.

7 Q. You remember him saying but those lawyers signed an NDA,
8 correct?

9 A. Yes.

10 Q. A nondisclosure agreement, correct?

11 A. Yes.

12 Q. You have thousands of sheets of paper here, correct?

13 A. Yes.

14 Q. On this case?

15 A. Yes.

16 Q. Do you have their NDA?

17 A. I don't know.

18 Q. OK. So when the bail application gets to a lawyer --
19 right, a CISO is sent, a court security -- who sends the CISO,
20 by the way?

21 A. I don't know who sent him specifically.

22 Q. Who asked for him to be sent?

23 A. I don't know.

24 Q. Was it the FBI?

25 A. I don't know.

K2qWsch3

Schlessinger - Cross

1 Q. Was it the CIA?

2 A. I don't know.

3 Q. It's certainly not the CISO on his own, right, because he
4 would never know that a bail application reached a lawyer?
5 Correct?

6 A. Correct.

7 Q. OK. So some entity, law enforcement entity, sent the CISO,
8 correct?

9 A. Yes.

10 Q. And the CISO went all the way to Lubbock, Texas, to a
11 lawyer's office, correct?

12 A. Yes.

13 Q. And demanded that bail application, correct?

14 A. I don't know if he demanded it or if he just explained the
15 situation and they came to an agreement.

16 Q. OK. Do you agree with me that sending a document from a
17 client to a lawyer would generally involve attorney-client
18 privilege issues?

19 A. Generally, yes.

20 Q. Right. And you would assume that somebody's sending a bail
21 application for a lawyer to review, correct?

22 A. I don't know what Mr. Hurley was doing in this regard.

23 Q. You don't know?

24 A. I don't know.

25 Q. Right. You don't know if he read the bail application,

K2qWsch3

Schlessinger - Cross

1 correct?

2 A. No, I don't.

3 Q. OK. You don't know if he kept it in an envelope, correct?

4 A. I don't know.

5 Q. You don't know if he felt that his office was raided,
6 correct?

7 A. I don't know.

8 Q. Right. You don't know because you never checked, correct?

9 A. I don't know, because I wasn't involved --

10 Q. OK.

11 A. -- with Mr. Hurley.

12 Q. For sure you were not involved. I understand that. But as
13 Special Agent Evanchec said, there were thousands of FBI agents
14 working around the clock on this case all the time, right?

15 A. I don't think it was thousands.

16 Q. Well, that was an exaggeration. I agree. But you had the
17 manpower, right, to call up Mr. Hurley and ask?

18 A. Yes, I believe he was contacted.

19 Q. No, no. I didn't ask you if he was contacted. Of course,
20 he was contacted. My question is did you ever ask Mr. Hurley
21 under what circumstances did you hand back his bail
22 application?

23 A. I did not personally, no.

24 MS. SHROFF: OK. You can take that down.

25 Q. Do you know if that bail application was ever uploaded to

K2qWsch3

Schlessinger - Cross

1 the court system?

2 A. I believe it was, briefly.

3 Q. Was it Mr. Schulte who uploaded it to the court system?

4 A. No.

5 Q. OK. And do you know if, when it was uploaded, it was done
6 by anybody involved at all on the defense team?

7 A. I don't know.

8 Q. You do know that, right? You do know that it wasn't us,
9 right?

10 A. Presumably it was not you.

11 Q. OK. By the way, did you make any effort to get that bail
12 application back from everyone?

13 A. I believe it was pulled down immediately from Pacer.

14 Q. No, no. That's not what I asked.

15 A. -- once we realized what was in it.

16 Q. Excuse me?

17 A. Once we realized what was contained in the bail
18 application, it was taken down from Pacer.

19 Q. Sir, before it was taken down from Pacer, Larry Neumeister,
20 from Reuters, had it, correct?

21 A. I don't know.

22 Q. You don't know?

23 A. No.

24 Q. OK. You do know, though, that the bail application was
25 only handed to the judge, correct?

K2qWsch3

Schlessinger - Cross

1 A. I remember it being handed to the judge.

2 Q. Right.

3 A. Yes.

4 Q. And I want to be very clear. You, as an FBI agent sitting
5 here today, say you do not know if the press got it off of
6 Pacer and read it, correct?

7 A. I don't know.

8 Q. And you don't know if you checked if the press talked about
9 it, correct?

10 A. I don't know.

11 Q. And you don't know if the press was ever contacted to get
12 it back, correct?

13 A. I don't know.

14 Q. But you do know about all of the Proton emails about the
15 Presumption of Innocence, correct?

16 A. Yes.

17 Q. When you checked the Proton emails, did you notice that
18 more than one person was, in fact, using the ProtonMail
19 account?

20 A. No.

21 Q. You did not think more than one person was accessing the
22 account?

23 A. I don't know.

24 Q. You don't know?

25 A. I can't --

K2qWsch3

Schlessinger - Cross

1 Q. Right. You just don't know, right?

2 A. It appears to be used solely by the defendant.

3 Q. Really?

4 A. Yes.

5 Q. OK. So your testimony is it appears to be used solely by
6 the defendant, and you do not think Omar Amanat ever used it?

7 A. The ProtonMail accounts?

8 Q. Yes.

9 A. No.

10 Q. You don't think he used it?

11 A. I don't think so.

12 Q. Were there documents about Omar Amanat that were sent on
13 the ProtonMail account?

14 A. Yes, there were.

15 Q. Right. There were documents about Omar Amanat's case that
16 were sent on the ProtonMail account --

17 A. Yes.

18 Q. -- correct?

19 A. That the defendant had prepared, yes.

20 Q. Absolutely. He says it right there. Look on the cover
21 sheet -- his name, Schulte Analytics, at the MCC; in fact, he
22 even gave his cell number, correct?

23 A. That's right.

24 Q. Right. And he said he was, in fact, writing a tech report,
25 right?

K2qWsch3

Schlessinger - Cross

1 A. That's correct.

2 Q. And he was writing it for Omar, correct?

3 A. Yes.

4 Q. And it's a tech report about Omar Amanat's case, correct?

5 A. Yes.

6 Q. OK. So that tech report is written by him for Omar Amanat,
7 correct?

8 A. That's my understanding.

9 Q. Right. And he's sending it on behalf of Omar Amanat,
10 correct, according to you? Right?

11 A. I don't know.

12 Q. You tell me. You're the one out there that's looking into
13 the ProtonMail account.

14 A. Well, he was sending that to the reporters. I don't know
15 if that was on his own or if that was for Mr. Omar Amanat.

16 Q. Well, he's not part of Omar Amanat's case, right?

17 A. No, he's not a part of it.

18 Q. He's not a defendant in that case, right?

19 A. No.

20 Q. He's not charged with anything in that case, correct?

21 A. No.

22 Q. OK. So you think it's an unfair assumption to say that if
23 the report is about Omar Amanat's criminal case, it's only
24 about Omar Amanat?

25 A. The --

K2qWsch3

Schlessinger - Cross

1 MS. SHROFF: I'll withdraw that. It's OK.

2 Q. Let me ask you something. When these emails are being sent
3 about Omar Amanat's case, do you read the whole report?

4 A. Yes, I've read it.

5 Q. You read the entire report, right?

6 A. Yes.

7 Q. Right. And it's only about Omar's case, correct?

8 A. The tech report is only about Omar Amanat's case, yes.

9 Q. Right.

10 Was Mr. Schulte ever represented by anybody named Marc
11 Kasowitz?

12 A. Not that I know of.

13 Q. Did Omar Amanat have contact with Marc Kasowitz?

14 A. I don't know.

15 Q. Do you know who Omar Amanat contacted at Marc Kasowitz's
16 law firm?

17 A. I don't know.

18 Q. Do you know what law firm he was with?

19 A. No.

20 Q. Do you know if Omar Amanat contacted Greenberg Traurig?

21 A. I don't know that, no.

22 MS. SHROFF: I'm sorry, your Honor. I need a minute.

23 Just give me one second. OK? I'm sorry about that.

24 You know what? Let me just go for a minute to -- oh,
25 there you are.

K2qWsch3

Schlessinger - Cross

1 Q. You see that section up here --

2 A. Yes.

3 Q. -- that they had you read? Are you with me there?

4 A. I see it.

5 Q. OK. So do you know of any connection between Mr. Schulte
6 and Marc Kasowitz?

7 A. Other than sending this email?

8 Q. Well, I don't know who sent it. You seem to think
9 Mr. Schulte sent it, but let's put that aside. My question to
10 you is, is there any other connection between Marc Kasowitz and
11 Mr. Schulte?

12 A. Not that I know of.

13 Q. OK. And how about Mr. Schulte and Giuliani's former law
14 firm; nothing, right?

15 A. Not that I know of.

16 Q. OK. And you certainly agree with me that Mr. Schulte has
17 no connection at all to Putin, correct?

18 A. Not that I know of.

19 MS. SHROFF: OK. You can take that down.

20 Q. Right before you go up there, to this section, right, take
21 a look at this section. You see that article that he has? The
22 Devil's Dishonest, Deplorable and Diabolically Demented Demons
23 times 3, correct?

24 A. I see that, yes.

25 Q. That has to do with Mr. Schulte, correct?

K2qWsch3

Schlessinger - Cross

1 A. Yes.

2 Q. OK. This has only to do with Mr. Schulte's case, right?

3 A. Yes.

4 MS. SHROFF: OK. You can take that down. And let's
5 go down here.

6 Q. I'm going to jump around a little bit, but let's just,
7 while we're on here, take a look at this email. Right? Do you
8 see this?

9 A. Yes.

10 Q. You testified there are all these emails going between this
11 reporter Shane Harris, correct?

12 A. Yes.

13 Q. And Shane Presnall, correct?

14 A. No.

15 Q. I'm sorry. It's mentioning Shane Presnall, correct?

16 A. Yes.

17 Q. OK. And you talked to Shane Presnall, right?

18 MS. SHROFF: You can take that down.

19 A. Yes, I have.

20 Q. That's Mr. Schulte's cousin, correct?

21 A. Yes.

22 Q. You went to his lawyer's office, correct?

23 A. Yes.

24 Q. Took her computer, correct?

25 A. Yes.

K2qWsch3

Schlessinger - Cross

1 Q. Right. You took her entire computer, right?

2 A. We took Mr. Presnall's computer, yes.

3 Q. No, no, no. No, no, no. You took Mr. Presnall's computer
4 for sure. Then you wanted to check the lawyer's computer also,
5 correct?

6 A. Yes.

7 Q. OK. And then Mr. Presnall was brought to your office with
8 the government, correct?

9 A. Yes.

10 Q. And you proffered him, correct?

11 A. Yes.

12 MS. SHROFF: OK. We can take that down.

13 Let's look at Exhibit 801.

14 Q. Malware of the Mind, correct?

15 A. Yes.

16 Q. He has introduction, correct?

17 A. Yes.

18 Q. Transcripts, correct?

19 A. Yes.

20 Q. When you read that section about transcripts, he's talking
21 about his court transcripts, correct?

22 A. I believe so.

23 Q. OK. Search warrants, correct?

24 A. Yes.

25 Q. Complaint, correct?

K2qWsch3

Schlessinger - Cross

1 A. Yes.

2 Q. Ethical and logical look at the charges, correct?

3 A. Yes.

4 Q. Tyranny, conspiracy and conclusion, correct?

5 A. Yes.

6 Q. How long is this article?

7 A. It's at least 133 pages.

8 Q. OK. He starts out with his introduction -- you've read the
9 introduction? Did you read it?

10 A. I have.

11 Q. You haven't read it?

12 A. I have read it.

13 Q. You have read it, right?

14 He's talking about the constitutional crisis that he thinks
15 is going on, correct?

16 A. I don't recall.

17 Q. You don't recall?

18 A. No.

19 Q. Is he talking about the criminal justice system in this
20 article?

21 A. I seem to recall references to the criminal justice system,
22 yes.

23 Q. OK. He's talking about how trials are held, criminal
24 proceedings are going, and then he links it back to his own
25 criminal case, correct?

K2qWsch3

Schlessinger - Cross

1 A. That seems right, yes.

2 Q. Right. And he has been in jail at this point for over a
3 year, correct?

4 A. I'm not sure.

5 MS. SHROFF: OK. Let's take a look now at 806.

6 Q. Do you see the section where he says, "If you need help,
7 ask WikiLeaks for my code"?

8 A. Yes.

9 Q. How long has the WikiLeaks leak been up by the time he
10 writes this?

11 A. Over a year, I believe.

12 Q. Over a year? More than that, right?

13 A. I don't know.

14 Q. OK. His code is up on WikiLeaks, correct?

15 A. Some of the things he's worked on, yes.

16 Q. So his code is up on WikiLeaks. "If you need help, ask
17 WikiLeaks for my code"; it's right there on WikiLeaks?

18 A. I'm not sure if it was his code. There was Confluence,
19 which was the Wiki page that was released on March 7.

20 Q. Right.

21 A. And then there was elements of Stash.

22 Q. Right. So you could read that as serious, "If you need
23 help, ask WikiLeaks for my code," right?

24 A. Yeah. I'm not sure if Stash contained source code.

25 Confluence had the Wikipedia --

K2qWsch3

Schlessinger - Cross

1 Q. All of these --

2 A. -- references to things he'd worked on.

3 Q. Right.

4 A. Whether it's the actual code, I think some of it was
5 actually just referenced in Confluence.

6 Q. OK.

7 A. As far as the tools that Mr. Schulte was working on.

8 Q. Right. And some of it was reference to code, correct?

9 A. References to code.

10 Q. Right. This could be read seriously, correct? Yes?

11 A. Yes.

12 Q. It could be read as a flippant comment, right, "If you need
13 help, ask WikiLeaks for my code"? Right?

14 A. I don't know.

15 Q. OK. It could be read as sarcasm, correct?

16 A. I don't know.

17 Q. Well, he is sarcastic in his writings, isn't he?

18 A. I don't know.

19 MS. SHROFF: OK. You can take that down.

20 Q. Do you remember you showed the jury that John Galt thing?

21 MS. SHROFF: Can we pull that up. Here. I have it
22 here. Exhibit 823. Let's pull that up.

23 Q. Let's not get into who John Galt is, OK, but look at 825.

24 MS. SHROFF: We can just put them next to each other.
25 If not, we can just put up 825.

K2qWsch3

Schlessinger - Cross

1 Q. This is one of his articles?

2 A. On the right, yes.

3 Q. Right. What else does he post onto this Facebook page,
4 according to you?

5 A. On the Facebook page?

6 Q. Yeah.

7 A. Well, his link to the presumptionofinnocence.net site.

8 Q. OK.

9 A. There's a link to a Go Fund Me.

10 Q. Hey, let me ask you before I forget, is this still up?

11 A. I don't know.

12 Q. Don't know? OK.

13 You have the power -- not you personally, but the FBI has
14 the power to tell Facebook to take something off, right?

15 A. I'm not sure about that.

16 Q. OK. This is still up?

17 A. I don't know.

18 Q. OK. How about the next document; what else does he post on
19 Facebook, according to you?

20 A. I'm sorry?

21 Q. What else does he post on Facebook; do you know?

22 A. I don't remember.

23 Q. OK. Do you remember if he posts all nine of his articles
24 on there?

25 A. I don't remember.

K2qWsch3

Schlessinger - Cross

1 MS. SHROFF: OK. Let's take a look at what
2 Mr. Kamaraju had you read. 806 again; he says "Ugh, talked to
3 my parents"; that section. If you could swirl that around.

4 Q. And you read this many times. I won't ask you to reread
5 it, but do you see that?

6 A. "Ugh, talked to my parents today."

7 Q. Right.

8 A. And found out that my fucking articles that were uploaded
9 to FB, a fucking doc.docx fucking format, were the wrong
10 fucking articles. They put up articles it's one through seven,
11 and only the old ones."

12 Q. Let's stop there for a minute. He rewrote articles all the
13 time?

14 A. Yes.

15 Q. Same article over and over again?

16 A. Yes, different versions.

17 Q. Different versions, right?

18 A. Yes.

19 Q. He just kind of edited it, correct?

20 A. Correct.

21 Q. And it's hard to edit in a prison because you're not typing
22 stuff up, correct?

23 A. Yes.

24 Q. So he has to rewrite the edits, correct?

25 A. That's right.

K2qWsch3

Schlessinger - Cross

1 Q. And then he has to upload the new edits, according to you,
2 correct?

3 A. That's what it says here.

4 Q. OK. And then he says he's disappointed, his mom got upset,
5 as moms do, and then he says, "I spent the entire" -- I don't
6 know what that word is, entire remainder of the call -- I don't
7 know what that word is -- trying to apologize to his mother,
8 correct?

9 A. That's what it says.

10 Q. Right. Do you go back after you read this and see what
11 else he's uploaded to Facebook?

12 MS. SHROFF: You can take that down.

13 A. Yes, we definitely looked into --

14 Q. What else he wrote?

15 A. -- Facebook, yes.

16 Q. What does he upload?

17 A. I remember a post on September 25, 2018.

18 Q. What does it say?

19 A. I don't recall from memory exactly what it says.

20 Q. Some next article?

21 A. It references his birthday.

22 Q. Right.

23 A. And it mentions going to Twitter.

24 Q. Right.

25 A. Starting a Twitter account.

K2qWsch3

Schlessinger - Cross

1 Q. Right. Which he never posts anything on, you already said,
2 correct?

3 A. That's correct.

4 Q. Right. He writes and writes about how he's going to set up
5 a Twitter account, and according to you, even you, he never
6 puts anything up on the Twitter account, right?

7 A. He set up the Twitter account.

8 Q. No, no, no. For sure, according to you. I got that.
9 Don't worry.

10 He sets up a Twitter account Jason Bourne, never forget,
11 nothing posted, correct?

12 A. No.

13 MS. SHROFF: OK. Jason Bourne left out.

14 Let's keep going, shall we? 809. Let's look at that
15 first page.

16 Q. Mr. Kamaraju had you read it. He wants \$50 billion in
17 restitution. Oof, right? See that up there?

18 A. I see it.

19 Q. OK. And then Mr. Kamaraju had you read that Mr. Schulte
20 says he will visit every country in the world and bear witness
21 to the treachery that is the United States government, correct?

22 A. Yes, I see that.

23 Q. There's zero likelihood he's going to leave that MCC to go
24 visit any of those countries on that day he's writing it, 8/8,
25 right?

K2qWsch3

Schlessinger - Cross

1 A. That's correct.

2 Q. OK. And then he's talking more and more about what all the
3 other stuff he's going to do, correct? And the government had
4 you read this, and he's saying he's going to break up
5 diplomatic relationships, correct?

6 A. Yes.

7 Q. He has no foreign job openings that he's been hired for,
8 correct?

9 A. I'm sorry?

10 Q. He's not in the foreign diplomatic service, is he, at this
11 time?

12 A. No.

13 Q. He's not working for anybody in the embassy, correct?

14 A. No.

15 Q. He's not working for any consulate, correct?

16 A. Correct.

17 Q. OK. And he talks about occupation and finally something
18 about jingoism. OK? Right?

19 A. That's right.

20 Q. And do you find out, by the way, if he does anything to end
21 occupation, U.S. occupation around the world?

22 A. Uh --

23 Q. No, right?

24 A. I think he was attempting to do that through the release of
25 his tweets.

K2qWsch3

Schlessinger - Cross

1 Q. Of his tweets?

2 A. Yes.

3 Q. The tweets that he never put up?

4 A. The draft tweets.

5 Q. Right. And you think that a tweet from somebody is going
6 to end U.S. occupation across the world?

7 A. I think he thinks that.

8 Q. No, no, no. I don't care what he thinks. I'm asking what
9 you think. You're the FBI agent reviewing this.

10 A. I don't know the damage that it would have had.

11 Q. Right. You don't know the damage it would have. Let's
12 talk about that.

13 So you don't know, as the sitting FBI agent, a special
14 agent in counterintelligence, what a tweet from a man's Twitter
15 handle that says @JasonBourne, which, as you testified, is a
16 fake CIA guy in a movie, would have in disrupting the United
17 States international and diplomatic relationships with
18 countries?

19 That's a very long question. Take your time.

20 A. The release of sensitive information --

21 Q. No, no, no.

22 A. -- that the defendant knew could very well harm the U.S.
23 government.

24 Q. Sure. We heard that from you a thousand times. My
25 question was whether or not it would disrupt. Read what he's

K2qWsch3

Schlessinger - Cross

1 saying.

2 A. I think it could very well disrupt.

3 Q. OK. So your testimony -- I just want to make sure I

4 understand it. Right? A Twitter handle in the name of

5 @JasonBourne?

6 A. @freejasonbourne.

7 Q. @freejasonbourne.

8 A fictitious character, right? A fictitious character.

9 A. Jason Bourne's a fictitious character.

10 Q. Right.

11 A. Yes.

12 Q. And you think that tweets posted to a fictitious character

13 @JasonBourne could disrupt United States relationships with

14 foreign entities?

15 A. It's possible, yes.

16 Q. OK. It never happened, though, right?

17 A. No.

18 Q. Let's keep going. He talks about how he's called down at 6

19 a.m. 2 p.m., something or the other, right? Right? Are you

20 with me?

21 A. Yes. I see it.

22 Q. And then I says, "I took my last piece," right?

23 A. Yes.

24 Q. "And I'm feeling great," right?

25 A. Right.

K2qWsch3

Schlessinger - Cross

1 Q. "I envision my appointment as a cardinal and becoming a
2 young pope as I unify Christianity and the church," right?

3 A. Yes.

4 Q. OK. Do you think that if he posted that on the Jason
5 Bourne Twitter handle he could actually be appointed cardinal
6 and become the young pope?

7 A. No.

8 MS. SHROFF: OK. Let's take that down.

9 I'm not going to review the extraction report with
10 you. I think we've had enough of ProtonMail. Let's just take
11 a look at 1301 for a quick minute. OK?

12 Q. Do you remember going through all of these?

13 A. Yes.

14 MS. SHROFF: All right. No. 1301-1. I'm sorry. I
15 have to emphasize.

16 Q. Do you see all of this? I don't know what -- magic log-in,
17 this, that and the other; these are all of his Presumption of
18 Innocence articles and all of that stuff, correct?

19 A. Yes.

20 MS. SHROFF: OK. Let's take it down.

21 And Mr. Kamaraju spent a lot of time going over those
22 screenshots with you. 820-413, 820-412. Let's take a look at
23 that.

24 Q. And this is all so that the government can say, am I right,
25 that it's Mr. Schulte who is sending these emails to Shane

K2qWsch3

Schlessinger - Cross

1 Harris, correct?

2 A. It appears that it was Mr. Schulte sending these emails.

3 Q. No, no. I got that. I got that, but I'm just making sure.

4 That's the point of showing these screenshots, right?

5 A. It's to show that he's contacting the press --

6 Q. Right.

7 A. -- and attempting to leak information.

8 Q. Really? Attempting to leak information?

9 A. Yes.

10 Q. Presumption of Innocence, the article, is an attempt to
11 leak information?

12 A. The --

13 Q. Let's start with that.

14 A. The search warrant affidavits were under protective order
15 and his notes.

16 Q. Listen, I'm going to get the to search warrants and his
17 notes. OK?

18 I'm asking you, sir, your testimony today is he's
19 contacting Shane Harris to leak information?

20 A. Yes.

21 Q. You don't think he's contacting Shane Harris because he
22 wants somebody to write about the case that he's under?

23 A. Same thing.

24 Q. It is the same thing for you? OK. Let's talk about that.
25 How about the search warrants? Do you remember talking about

K2qWsch3

Schlessinger - Cross

1 the search warrants?

2 A. Yes.

3 Q. OK. The search warrants were under a protective order,
4 correct?

5 A. Correct.

6 MS. SHROFF: You can take that down.

7 Q. A protective order is unclassified information, correct?

8 A. It's unclassified, yes.

9 Q. I want to be very clear, because generally people use the
10 word "leak" with classified, "spill" with classified. So let's
11 just be clear.

12 When you say he was trying to leak the protective -- the
13 search warrants, which were under protective order, you agree
14 with me, right, that the protective order that they are talking
15 about in your testimony has to do only with unclassified
16 information? Correct?

17 A. Marked U.S.G. confidential.

18 Q. Sure. Absolutely. It's marked confidential, right?

19 A. Yes.

20 Q. You have a stamp that says classified, correct?

21 A. I'm sorry?

22 Q. The FBI has a stamp, right, that says U.S.G. classified?

23 A. I don't know what you mean.

24 Q. You don't know what I mean?

25 A. No.

K2qWsch3

Schlessinger - Cross

1 Q. OK. Let's try it again. You know how if you want to mark
2 a document classified, the FBI has the power to mark it
3 classified, right?

4 A. So, I'm a derivative classifier, so I don't mark -- I don't
5 come up with the classification of documents.

6 Q. Oh, that's not what I asked.

7 A. I have to follow what's already been determined.

8 Q. And it's determined by the CIA, sitting right there, right?

9 A. It could be determined by any number of original
10 classifiers.

11 Q. Sure. But in this case, the original classifier is the
12 CIA, correct?

13 A. I'm not sure. In which case are you referring to?

14 Q. This case --

15 THE COURT: The one on trial.

16 Q. -- United States v. Joshua Adam Schulte. Who was the
17 original classifier?

18 A. I would -- yes, most of the information would probably have
19 been originally classified by the CIA.

20 Q. Right. The CIA's classifying the documents, correct?
21 Right?

22 A. Which documents?

23 Q. All of the documents in this case.

24 A. I can't speak to all of the documents in the case.

25 Q. OK. The CIA knows how to mark a document classified versus

K2qWsch3

Schlessinger - Cross

1 confidential, correct?

2 A. Yes.

3 Q. You know how to mark a document classified versus
4 confidential, correct?

5 A. Yes.

6 Q. You know the difference between a classified document and a
7 confidential document, correct?

8 A. Confidential is one of the classifications.

9 Q. Really?

10 A. Yes.

11 Q. OK. So can an uncleared person receive classified
12 information?

13 A. In some cases, yes.

14 Q. I'm sorry. You're telling me, as an FBI agent, that an
15 uncleared person can receive information that is deemed
16 classified?

17 A. Yes.

18 Q. When?

19 A. In certain situations.

20 Q. Tell me one situation.

21 A. Sometimes there's a serving of FISA orders on --

22 Q. Of what?

23 A. Serving of FISA orders on uncleared persons requires them
24 to sign an NDA because they're uncleared.

25 Q. Was there a FISA warrant in this case?

K2qWsch3

Schlessinger - Cross

1 A. No.

2 Q. So it's not this case, right?

3 A. No.

4 Q. So let's stick to this case again and tell me in this case
5 when would be the chance when the CIA would give an uncleared
6 person classified information.

7 A. I don't know.

8 Q. You don't know, right?

9 A. No.

10 Q. OK. Do you really think that the CIA in this case would
11 give an uncleared person classified information?

12 A. I don't know.

13 Q. OK. So the protective order --

14 MS. SHROFF: Do you have the protective order?
15 Somebody show it to him.

16 Ms. Hurst, could you put it up for me? Thank you.

17 Q. Take a look. Do you see where it says, "Whereas, the
18 government desires to protect the protected material"?

19 A. Yes.

20 Q. Protected material is not classified always, correct?

21 A. No. It's a different form of protection.

22 MS. SHROFF: OK. Let's look at the next page.

23 Q. Protected material, correct?

24 A. I see that.

25 MS. SHROFF: OK. Let's go to the next page.

K2qWsch3

Schlessinger - Cross

1 Wait. Let's just stay here.

2 Q. The government will mark all documents U.S.G. confidential,
3 correct?

4 A. Yes.

5 Q. Not U.S.G. classified, correct?

6 A. It doesn't say that, no.

7 MS. SHROFF: OK let's go to the next page. We'll do
8 this faster if we could go to four and five. OK.

9 Q. And again, nothing about classified here, right?

10 A. On this page, I don't see anything about classified.

11 Q. And you've reviewed all five pages, right?

12 A. Yes.

13 Q. And nothing in this protective order covers classified
14 information, correct?

15 A. It does reference marking the documents subject to this
16 protective order as U.S.G. confidential. I guess it's a
17 definitional issue if you want to consider that to be
18 classified or not.

19 Q. You're an FBI agent?

20 A. Yes.

21 Q. Do you think that the penalties are different for
22 disclosing classified information versus confidential
23 information?

24 A. So, confidential is a level of classification.

25 Q. I'm just asking you a question that it would be great if

K2qWsch3

Schlessinger - Cross

1 you could answer.

2 Are you telling me, as an FBI agent, that the penalties for
3 disclosing classified information are the same as for
4 disclosing confidential information?

5 A. No.

6 Q. OK.

7 A. Confidential is a form -- is a level of classification.

8 Q. Right. It's a level of classification that deems the
9 confidential information unclassified. Right?

10 A. No.

11 Q. No? No? Is that your testimony? No?

12 A. Yes.

13 Q. I see.

14 Have you reviewed the search warrants in this case?

15 A. Some of them.

16 Q. Which ones?

17 A. The ones involving the MCC.

18 Q. OK. How about the ones not involving the MCC?

19 A. I've looked at them, yes.

20 (Continued on next page)

K2Q3SCH4

Schlessinger - Cross

1 Q. You've looked at them, right?

2 A. Yes.

3 Q. And none of them are marked classified, correct?

4 A. I don't know. As far as I know, no.

5 Q. As far as you know, no, right?

6 A. No.

7 Q. Okay. And it is your testimony that it is those search
8 warrants that Mr. Schulte sent to Shane Harris, correct?

9 A. Yes.

10 Q. You know how the FBI or the CIA or the CISO went to Dan
11 Hurley's office and got that bail application back, correct,
12 right? You remember that testimony?

13 A. Yes.

14 Q. Did you send someone to Shane Harris's office and say, hey,
15 give me the search warrants back?

16 A. No.

17 Q. Okay. Let me just move on.

18 Were you involved at all with the search of
19 Mr. Schulte's home?

20 A. No, I was not.

21 Q. Okay. Did you ever review any of the orders Mr. Schulte
22 placed on Amazon?

23 A. I've reviewed some of them, yes.

24 Q. You have reviewed some of them?

25 A. Yes.

K2Q3SCH4

Schlessinger - Cross

1 Q. Do you, sitting here today, could you tell the jury or the
2 Court how many times Mr. Schulte ordered a ethernet switch?

3 A. I can't recall.

4 Q. Do you recall how many times he ordered 15 terabytes of
5 disc, CDs, do you recall?

6 A. I don't remember.

7 Q. Do you recall how many times he ordered a RAID rack?

8 A. No.

9 Q. Do you recall how many times he ordered a supermicro
10 server?

11 A. I don't remember.

12 Q. Do you recall how many times he ordered Enterprise gear?

13 A. I don't remember.

14 Q. Do you know how many times he ordered a SATA adapter?

15 A. At least once.

16 Q. More than once, right?

17 A. I believe that's right.

18 Q. Right. He ordered a SATA adapter several times, according
19 to Amazon, correct?

20 A. I believe it was at least once. I don't know how many
21 times.

22 Q. Okay. Do you know what a SATA adapter does?

23 A. Yes, generally.

24 Q. You know generally what it does. Meaning it moves data,
25 correct?

K2Q3SCH4

Schlessinger - Cross

1 A. It allows for the transfer of data.

2 Q. From one computer to another computer, correct?

3 A. From one type of hard drive to another type of hard drive.

4 Q. And hard drives are found in a computer, correct?

5 A. They can be found inside or outside of a computer.

6 Q. Right. But they can also be found inside a computer,
7 correct?

8 A. Correct.

9 Q. How many computers do you remember Mr. Schulte's home
10 having?

11 A. Well, he had his desktop computer and I recall two servers.

12 Q. Okay. You testified, did you not, that as part of being
13 the FBI agent, you interviewed Mr. Schulte's family, correct?

14 A. I did not, no.

15 Q. You did not interview them? Other FBI agents interviewed
16 them?

17 A. I don't know if they were interviewed.

18 Q. You don't even know if they were interviewed?

19 A. I know his brothers were interviewed. I don't know if
20 Mr. and Mrs. Schulte were interviewed.

21 Q. Who went to Mr. and Mrs. Schulte's house, do you know?

22 A. I know Special Agent Donaldson, and two agents from the
23 Lubbock offices.

24 Q. They went to Mr. Schulte's home and talked to his parents,
25 correct?

K2Q3SCH4

Schlessinger - Cross

1 A. That's right.

2 Q. And by the way, did they ever ask the parents of
3 Mr. Schulte how old Mr. Schulte was when he first started to
4 build computers?

5 A. I don't know.

6 Q. Now, as part of your investigation here, sir, you
7 interviewed several people at the CIA, correct?

8 A. That's right.

9 Q. And you interviewed a person named Tandeep, correct?

10 A. I believe that's right.

11 Q. Right. Do you recall ever learning that it was Tandeep who
12 called Mr. Schulte and said people at the CIA are talking about
13 you?

14 A. I don't remember that specifically.

15 Q. Do you remember the CIA -- I mean the -- I'm mixing you two
16 up.

17 Do you remember if the FBI ever asked Tandeep to
18 record conversations with Mr. Schulte?

19 MR. KAMARAJU: A little far beyond the direct, your
20 Honor.

21 MS. SHROFF: I can just recall him if you want.

22 THE COURT: Overruled.

23 A. I know that occurred. I don't know when it was
24 communicated.

25 Q. You do know that she got no incriminating response from

K2Q3SCH4

Schlessinger - Cross

1 him, correct?

2 A. It depends on your definition of "incriminating."

3 Q. Oh, not my definition, sir. I don't count. I'm asking for
4 your definition.

5 A. There was no confession.

6 Q. Sir, you participated in the interviews of Tandeep, right?

7 A. I don't recall if I participated in them.

8 Q. And your testimony now is that after Tandeep recorded
9 Mr. Schulte, according to you, she got no confession, correct?

10 A. My testimony is we reviewed the recordings, and there was
11 no confession.

12 Q. Okay. By the way, did you also interview Mike K.?

13 A. I believe I was present for at least one interview with
14 Mike.

15 Q. Do you know when he was placed on administrative leave by
16 the CIA?

17 A. I don't know.

18 Q. Do you know why he was placed on administrative leave by
19 the CIA?

20 A. I don't know.

21 Q. Do you know when he was placed on administrative leave by
22 the CIA?

23 A. I don't know.

24 Q. Do you know when the FBI first informed defense counsel
25 that Mr. Michael K. had been put on administrative leave?

K2Q3SCH4

Schlessinger - Cross

1 A. I don't recall specifically.

2 Q. Do you remember reading on one of these handwritten
3 exhibits that Mr. Schulte's notebooks -- by the way, where did
4 you find those notebooks?

5 A. At the MCC.

6 Q. Did they read like diaries to you?

7 A. Not exactly.

8 Q. Not exactly?

9 A. No.

10 Q. What did they read like to you?

11 A. Parts of it read to me like a checklist or a plan that he
12 was putting together.

13 Q. Okay.

14 A. And he was following through on. Until we intervened in
15 the form of the search.

16 Q. Are you finished?

17 A. Yes.

18 Q. Okay. So your testimony is that you took those notebooks
19 to be a plan, correct?

20 A. Parts of it, yes.

21 Q. And you intervened, correct?

22 A. Yes, a checklist.

23 Q. Let's just go back and look at your checklist.

24 Can somebody pull up one of these things. You tell me
25 what you consider a checklist, okay? Let's look at the one

K2Q3SCH4

Schlessinger - Cross

1 where he says write new article. Any checklist. Let's put it
2 up.

3 You ready?

4 A. Yes.

5 Q. Okay. You see where it says "Delete all Google Docs from
6 John Smith."

7 A. Yes.

8 Q. What was in the John Smith account?

9 A. I believe it's his articles.

10 Q. Presumption of innocence and all of those articles?

11 A. Yes.

12 Q. "Delete all e-mails from John Smith." That sounds
13 duplicative, but sure I'll take it. Same thing?

14 A. Yes, and he did, there were no e-mails prior to the 21st in
15 that account.

16 Q. Then he writes "Delete suspicious e-mails from my Gmail,"
17 correct?

18 A. Yes.

19 Q. Okay. And also about his articles?

20 A. I don't know.

21 Q. You have Gmail. You can get deleted Gmail, right?

22 A. I'm sorry?

23 Q. You are the FBI. You can get deleted Gmails, right?

24 A. In some cases, yes.

25 Q. Right. Did you get them in this case?

K2Q3SCH4

Schlessinger - Cross

1 A. I'm not sure which ones you're referring to specifically.

2 Q. You tell me. You got this checklist. I'm not an agent.

3 You said you saw a checklist, it's number 3, "delete suspicious
4 e-mails from my Gmail."

5 Did you confirm that he did that?

6 A. In some cases it's difficult to tell whether it's been
7 deleted or not. We don't always receive those.

8 Q. I'm sure it is. Just tell me, did you see if he had
9 deleted suspicious e-mails?

10 A. I don't know.

11 Q. And then he has a subsection of A, B, C, and D, right?

12 A. Yes.

13 Q. And WordPress obviously he did not, because WordPress is
14 still up, correct?

15 A. WordPress he did not what?

16 Q. I don't know. Delete I guess.

17 A. It's still up.

18 Q. Right. PayPal, is that still up?

19 A. As far as I know.

20 Q. Okay. Password changes?

21 A. I don't know.

22 Q. You don't know, right? But you would agree with me, right,
23 that all of this, again, has to do with his articles, correct?

24 A. This is also an entry that doesn't have a checkmark next to
25 it.

K2Q3SCH4

Schlessinger - Cross

1 Q. Which one?

2 A. Three.

3 Q. Yeah. Doesn't have a checkmark. That means he didn't get
4 to do it, so you should be able to look at the Gmails?

5 A. Presumably, yeah.

6 Q. But you are the agent. What do you mean "presumably."
7 This is so sensitive, according to you. He's not checked it
8 off. And you are telling us you didn't check his Gmails?

9 A. Oh, we did, yes.

10 Q. You do know if there were suspicious e-mails in his Gmail.
11 You know what? It's not worth it. Let's keep going
12 and work our way down. Okay.

13 This is all about the phone that you find at the MCC,
14 correct?

15 A. I think it's more about the broader strategy that the
16 defendant had.

17 Q. Seems fairly specific. What broader strategy -- is there a
18 subheading that's called strategy?

19 A. No.

20 Q. Okay. He is a very punctilious writer. He puts
21 subheadings everywhere he goes. Show me a subheading that says
22 "strategy."

23 A. I can't.

24 MS. SHROFF: Let's just take it down.

25 Q. Let's look at 820-413. See how it says "Josh in violation

K2Q3SCH4

Schlessinger - Cross

1 of a protective order."

2 A. Yes.

3 MS. SHROFF: Let's take that down. Can we pull up the
4 part where it says something about Josh Dratel is going to come
5 see him. Can we put that up.

6 Q. You read all of these out loud to the jury before, right?
7 I'm not going to do it again. I really am not.

8 Can you read that out loud.

9 A. "Heard tonight from my parents that Josh Dratel is coming
10 tomorrow mid-morning, 9, 10 a.m."

11 Q. Who is Josh Dratel?

12 A. I believe he was one of the defendant's attorneys.

13 Q. Which defendant's?

14 A. This defendant.

15 Q. Oh. You thought Josh Dratel was his attorney?

16 A. I believe that's right.

17 Q. You believe that's right?

18 A. Yes.

19 MS. SHROFF: Okay. Let's take that down. Then let's
20 go to 809 because that's where he's talking about data hiding
21 and crypto, slack space, split data, something about pseudos.
22 Can we get that paragraph up.

23 Q. Do you know what I'm talking about, sir?

24 A. Yes.

25 Q. Let me ask you something. How many people -- where is that

K2Q3SCH4

Schlessinger - Cross

1 language? How many people at the CIA know how to do data
2 hiding and crypto?

3 A. I don't know.

4 Q. Five?

5 A. I don't know.

6 Q. 10?

7 A. I would be guessing.

8 Q. Take a guess.

9 A. More than 10.

10 Q. More than 10?

11 A. I really don't know.

12 Q. They're a hacking agency. They are a hacking intelligence
13 agency. You are telling me only 10 of them know how to data
14 hide and crypto?

15 MR. KAMARAJU: She's asking him to guess.

16 Q. How many months have you been on this investigation?

17 A. Many months.

18 Q. How many is "many"?

19 A. For about two-and-a-half years.

20 Q. How many?

21 A. Two-and-a-half years.

22 Q. So for two-and-a-half years you've been working with the
23 CIA. You sit with them right there every day, correct?

24 A. Yes.

25 Q. Okay. And your testimony is that you think only 10 people

K2Q3SCH4

Schlessinger - Cross

1 at the CIA knew how to data hide and crypto?

2 A. I said more than 10.

3 Q. Okay. Let's just keep moving. "I design and wrote
4 structure to conceal data in a custom designed file system
5 contained within the drive slack space." Correct?

6 A. Yes, that's what's written there.

7 Q. Let's just say that only 10 people or at least 10 people
8 know that. Correct?

9 A. Okay.

10 Q. Okay. As a counterintelligence agent, tell me, sir,
11 doesn't even Apple know how to do this?

12 A. I don't know.

13 Q. You don't know?

14 A. That seems like something Apple would not do.

15 Q. Apple would not do. Apple would not protect the privacy of
16 somebody using their phone?

17 A. They could protect privacy. But I don't know how this
18 relates to privacy directly.

19 Q. So you don't know that whether or not Apple designs and
20 writes software to conceal data in a customized file system,
21 correct?

22 A. I don't know.

23 Q. But you do know that the CIA people know how to do that,
24 right?

25 A. Yes.

K2Q3SCH4

Schlessinger - Cross

1 Q. And the CIA coders know how to do that, correct?

2 A. Yes.

3 Q. Developers know how to do that, correct?

4 A. Yes.

5 Q. And according to even your testimony, there are at least 10
6 of them, correct?

7 A. I don't know.

8 Q. Okay. And how about slack space. Do you think everybody
9 knows what slack space is?

10 A. No.

11 Q. You don't think everybody in the tech industry knows what
12 slack space is?

13 A. I don't know.

14 Q. Okay. Let me be clear. I mean, I didn't know what slack
15 space was before now. But you are telling me everybody in the
16 tech industry knows what slack space is, right?

17 A. I don't know what everyone in the tech industry knows or
18 doesn't know.

19 Q. Fair enough. Do you know what slack space is?

20 A. I have a very basic understanding of it.

21 Q. You know what hidden partitions are, right?

22 A. Yes, generally.

23 Q. You would agree with me that everybody knows what disguised
24 data means generally, correct?

25 A. Generally.

K2Q3SCH4

Schlessinger - Cross

1 Q. And the CIA's in the habit of hiring people who know how to
2 disguise data, correct?

3 A. I'm sorry?

4 Q. The CIA --

5 MR. KAMARAJU: He is an FBI agent. She keeps talking
6 about the tech industry and CIA.

7 THE COURT: Sustained.

8 Q. Three-and-a-half years you worked with the CIA on this
9 case?

10 THE COURT: Two-and-a-half years.

11 Q. Two-and-a-half years, right?

12 A. Yes.

13 Q. Do you know if there are people who work at the CIA that
14 know how to disguise data?

15 A. Yes.

16 Q. How about splitting data across files. Yes?

17 A. The specific technical capabilities I'm not sure of.

18 Q. I'll take that. Let me ask you something. Where on the
19 internet was this posted?

20 A. Pacer.

21 Q. No, no. This was never on Pacer, sir.

22 A. Excuse me, I don't know.

23 Q. It was never he posted anywhere on the Internet; isn't that
24 correct?

25 A. That's right.

K2Q3SCH4

Schlessinger - Redirect

1 Q. Okay. You checked his Gmail, his John Galt, Jason Bourne,
2 all of it. Not posted anywhere, correct?

3 A. Portions of it may have been posted.

4 Q. I am not -- I am asking you about a very specific portion,
5 sir.

6 A. Well, there were many versions and they are portions from
7 this that are used in various parts of his articles. So it's
8 difficult to say, you know, whether or not this was posted
9 online.

10 Q. He's accused of criminal charges here.

11 A. Yes.

12 Q. He is on trial.

13 A. Yes.

14 Q. You have an obligation to be specific in the accusations
15 you are making against him.

16 A. Yes.

17 Q. Tell me, sir, where is this portion that Mr. Kamaraju
18 highlighted for you in blue, that I am going to do the same
19 now. Tell me, please, where on the internet does it appear?

20 A. I don't know that that -- I am unaware of where that exists
21 online, that highlighted portion.

22 MS. SHROFF: Thank you. I'm done, your Honor.

23 MR. KAMARAJU: Briefly, your Honor.

24 REDIRECT EXAMINATION

25 BY MR. KAMARAJU:

K2Q3SCH4

Schlessinger - Redirect

1 Q. Special Agent Schlessinger, you remember you were asked
2 some questions about a search warrant affidavit?

3 A. Yes.

4 Q. You remember you were asked some questions about
5 Mr. Betances and how he was described in there?

6 A. Yes.

7 Q. Did Mr. Betances review the descriptions that were in that
8 search warrant?

9 A. No, he didn't.

10 Q. Did you ever give it to him to read?

11 A. No.

12 Q. You were also asked about some communications that
13 Ms. Shroff pulled down from the Signal application. Do you
14 remember that?

15 A. Yes.

16 MR. KAMARAJU: Can we pull up Government Exhibit
17 822-1, please. If we can scroll down to the communications
18 from October 10 that Ms. Shroff highlighted. I'm sorry,
19 October 2. My apologies.

20 Q. Sir, she also gave you a search warrant affidavit; do you
21 remember that?

22 A. Yes.

23 Q. Do you have that in front of you?

24 A. Yes, I do.

25 Q. Could you turn to page 24 of that affidavit.

K2Q3SCH4

Schlessinger - Redirect

1 A. Okay.

2 Q. Now, you didn't search the MCC until you got a search
3 warrant; is that right?

4 A. That's right.

5 Q. What's the date listed on that search warrant?

6 A. 2nd day of October, 2018.

7 Q. So did you search the MCC the day after this?

8 A. Yes.

9 Q. So, what's the day you searched the MCC?

10 A. October 3, 2018.

11 Q. All the messages that Ms. Shroff asked you about, what were
12 the date of those?

13 A. October 2, 2018.

14 Q. So by the time these messages had been sent, you had not
15 yet searched the MCC; is that right?

16 A. That's correct.

17 Q. You were asked about blog pages from the presumption of
18 innocence. Do you remember that?

19 A. Yes.

20 Q. You were asked a number of questions about Omar Amanat and
21 his case; do you remember?

22 A. Yes.

23 Q. Sir, are you the case agent for the Omar Amanat
24 prosecution?

25 A. No, I'm not.

K2Q3SCH4

Schlessinger - Redirect

1 Q. The blog posts that she asked you about, those are
2 presumption of innocence, correct?

3 A. Yes.

4 MR. KAMARAJU: Could we show the witness and the
5 parties Government Exhibit 830, please.

6 Q. What's this?

7 A. That's the presumption of innocence page.

8 Q. How do you recognize it?

9 A. I recognize the URL and there is a picture of the defendant
10 at the top.

11 MR. KAMARAJU: The government would offer Government
12 Exhibit 830.

13 MS. SHROFF: We have no objection, your Honor.

14 THE COURT: 830 is in evidence.

15 (Government's Exhibit 830 received in evidence)

16 MR. KAMARAJU: Could you blow up the top and publish
17 it for the jury.

18 Q. Is that Omar Amanat?

19 A. No, it isn't.

20 Q. Who is it?

21 A. That is Joshua Schulte.

22 Q. Could we pull up page six of Government Exhibit 809.

23 You see where it says Annon1204?

24 A. Yes.

25 Q. Is that the password you used to log into that ProtonMail

K2Q3SCH4

Schlessinger - Redirect

1 account?

2 A. Yes, it is.

3 Q. Was that password written down in the defendant's notebook
4 at the MCC?

5 A. Yes, it was.

6 MR. KAMARAJU: Now can we look at Government Exhibit
7 1303-8.

8 Q. Do you see the section that says "snippets below"?

9 A. Yes.

10 Q. You remember Ms. Shroff asked you about this e-mail?

11 A. Yes.

12 Q. You see where it says "My case involves WikiLeaks and the
13 Vault 7/8 release"?

14 A. Yes.

15 Q. Were you aware of any charges against Omar Amanat related
16 to Vault 7 and Vault 8?

17 A. No.

18 Q. Are you aware of such charge against the defendant?

19 A. Yes.

20 MR. KAMARAJU: Now, can we pull up Government Exhibit
21 820-420, please.

22 Q. This is a screenshot that you were provided by
23 Mr. Betances, right?

24 A. That's right.

25 Q. Do you see where it says "My NSA colleagues and I would

K2Q3SCH4

Schlessinger - Redirect

1 often criticize the CIA"?

2 A. Yes.

3 Q. Did Omar Amanat ever work at the NSA?

4 A. Not that I am aware of.

5 Q. Did Omar Amanat ever work at the CIA?

6 A. Not that I am aware of.

7 Q. Did the defendant work at both those places?

8 A. Yes, he did.

9 Q. You were also asked about a series of meetings or proffers
10 that you had with somebody named Tandeep; is that right?

11 A. Yes.

12 Q. And you were asked about whether things were incriminating,
13 right?

14 A. Yes.

15 Q. So let's start there. You also asked about checklists; do
16 you remember that?

17 A. Yes.

18 MR. KAMARAJU: Let's look at Government Exhibit 809,
19 page four. Can we go to the next page.

20 Q. Ms. Shroff asked you about this. Number three.

21 A. Yes.

22 Q. As an FBI agent, she asked you a lot of questions about
23 your training.

24 A. Yes.

25 Q. "Delete suspicious e-mails." Does that strike you as

K2Q3SCH4

Schlessinger - Redirect

1 incriminating?

2 A. Yes, it does.

3 Q. You remember she asked you whether you elicited a
4 confession or whether -- my apologies -- whether the recording
5 with Tandeep contained a confession?

6 A. Yes.

7 Q. You remember that?

8 A. I do.

9 MR. KAMARAJU: Could we pull up Government Exhibit
10 1405-2.

11 Q. Could you read message that's May 5 at 14:17:49.

12 A. "Josh work."

13 MS. SHROFF: Your Honor, could we have the government
14 clarify that that is not Tandeep? I just want to be clear.

15 Q. Are these messages sent to Tandeep?

16 A. No.

17 Q. Now could you read the message, please.

18 A. "I could lie to anyone and get away with it."

19 Q. All right. Now, you were asked a bunch of questions about
20 obtaining classified information from lawyers and people's
21 parents and all of that. Do you remember that?

22 A. Yes.

23 Q. Are people without security clearances allowed to store
24 classified information in their offices?

25 A. No.

K2Q3SCH4

Schlessinger - Redirect

1 Q. Are they allowed to store it on their computers?

2 A. No.

3 Q. And why did you go to Shane Presnall's lawyer's office and
4 ask to look at her computer?

5 A. To make sure there was no classified information being
6 stored on the computer.

7 Q. Why did you think that there might be classified
8 information stored on that computer?

9 A. Because they had sent it to -- sent it to her.

10 Q. When you say "they," who are you referring to?

11 A. The defendant.

12 Q. Now, with respect to Mr. Hurley, do you remember you were
13 asked some questions about that?

14 A. Yes.

15 Q. Same thing: Were you concerned that there was classified
16 information on that computer?

17 A. Yes.

18 Q. The defendant worked at the CIA, correct?

19 A. That's right.

20 Q. For how long approximately was he at the CIA?

21 A. I think it was approximately six years.

22 Q. He had left before Vault 7 occurred, right?

23 A. That's right.

24 Q. You were asked a number of questions about harm and your
25 opinion about harm, correct?

K2Q3SCH4

Schlessinger - Redirect

1 A. Yes.

2 Q. Now, Vault 7 and Vault 8 involved the disclosure of
3 classified information online, right?

4 A. That's right.

5 Q. Was it harmful?

6 A. Yes.

7 Q. Let's take a look at page 11 of Government Exhibit 809.
8 Can we blow up the last paragraph. Could you read the
9 defendant's words there.

10 A. "Vault 7 contains numerous zero days and malware that could
11 be deployed, repurposed, and released on to the world in a
12 devastating fashion that would make NotPetya look like child's
13 play."

14 Q. You were asked a bunch of questions about whether a tweet
15 could cause harm, right?

16 A. Yes.

17 Q. Look at Government Exhibit 809 at page three, please. Blow
18 up the top paragraph there.

19 Could you read the last sentence.

20 A. "From here I will stage my information war."

21 Q. Now can we go to page two. You remember you were asked
22 about this page also?

23 A. Yes.

24 Q. You remember Ms. Shroff asked you if you thought that the
25 defendant could become the Pope by sending this tweet, right?

K2Q3SCH4

Schlessinger - Redirect

1 A. Yes.

2 Q. Do you know if the defendant was ever a priest?

3 A. No.

4 Q. Was he ever a cardinal?

5 A. No.

6 Q. Where did the defendant work?

7 A. The CIA.

8 Q. When he worked there, was he responsible for developing
9 classified cyber tools?

10 A. Yes, he was.

11 Q. Were those the kind of tools that were supposed to be used
12 in operations against foreign adversaries?

13 A. Yes.

14 Q. Foreign adversaries like terrorists?

15 A. Yes.

16 MR. KAMARAJU: Let's take a look at Government Exhibit
17 809 at page six. Sorry. Can we keep scrolling. A little
18 further. Towards the end. There we go. Up at the top there.

19 Q. Is this part of what you referred to before as the draft
20 tweets?

21 A. Yes.

22 Q. Could you read the part that starts with "Bartender."

23 A. Bartender -- "Additionally tool described in vendor report
24 is in fact Bartender, a CIA tool set for operators to configure
25 for deployment."

K2Q3SCH4

Schlessinger - Redirect

1 Q. You had an exchange with defense counsel where you said you
2 thought the defendant could disrupt diplomatic relationships
3 through a tweet; do you recall that?

4 A. Yes.

5 Q. Can you explain what you meant.

6 A. I meant that if these tools were discovered, they could
7 potentially harm international relations, depending on where
8 they were used.

9 MR. KAMARAJU: No further questions, your Honor.

10 MS. SHROFF: May I, your Honor?

11 THE COURT: No. We'll break now for lunch. We'll
12 resume at 2 o'clock.

13 (Witness excused)

14 (Jury excused)

15 (Continued on next page)

K2Q3SCH4

1 THE COURT: Is the government finished now?

2 MR. KAMARAJU: Yes, your Honor. We'll rest when the
3 jury is back.

4 THE COURT: Okay. What are you going to do about
5 Michael?

6 MR. KAMARAJU: We told defense counsel if they wanted
7 to call him back, we would not have an objection, and to just
8 let us know.

9 THE COURT: Ms. Shroff, what do you want to do?

10 MS. SHROFF: Your Honor, Mr. Zas is going to handle
11 this. I'm tired.

12 THE COURT: Mr. Zas, okay. All right. Okay, Mr. Zas.

13 MR. ZAS: Your Honor, I don't think we're planning on
14 calling Michael. But, we did make motion to introduce the CIA
15 document.

16 THE COURT: Yes, and I raised that with the government
17 this morning. They are going to submit something by this
18 afternoon. I'll give you my ruling promptly.

19 MR. ZAS: Your Honor, having conferred with
20 Ms. Shroff, she reminds me that depending on the ruling on the
21 memo, it might affect whether we do in fact want to call
22 Michael.

23 I'm sorry. I apologize. If the memo does come in, I
24 think it would be unnecessary for us to call Michael. If it
25 doesn't come in, we may have to change our strategy.

K2Q3SCH4

1 THE COURT: Okay. As I say, I am going to give the
2 government until the end of the day to submit their papers,
3 submit their view, I'll rule on it promptly. So you can decide
4 the issue then.

5 MR. ZAS: Thank you, your Honor. We'll have a motion
6 after the government rests. Should we do that now or should we
7 do that after the break? How do you want to proceed?

8 THE COURT: Well, they've got to rest first.

9 MR. ZAS: I know. I didn't want to have to get the
10 jury back and then we have to go out again.

11 THE COURT: We're going to go until about 3 o'clock
12 today. So you can make the motion then, I think.

13 MR. ZAS: Okay. Thank you, sir.

14 THE COURT: You'll have witnesses, Ms. Shroff?

15 MS. SHROFF: Well, your Honor, I wanted to let the
16 Court know that this morning we got a call from the government
17 saying that some of the witnesses wanted to talk to us. We
18 didn't have time to go talk to them. I thought that
19 Mr. Gonzalez said we could have a longer than normal lunch
20 break so we can in fact go talk to them.

21 THE COURT: How much time do you want? Because we are
22 taking a longer lunch break.

23 MS. SHROFF: I have no idea what they have to say.
24 Apparently two of the witnesses said they would like to speak
25 to us. That's the only information I got from Mr. Laroche via

K2Q3SCH4

1 e-mail. I don't know anything about them. I've never met them
2 before in my life.

3 MR. LAROCHE: Your Honor, there are also other
4 witnesses available now beyond those that could be called this
5 afternoon. And then the witnesses who indicated that they
6 would like to meet with the defense could meet with them after
7 the trial day, if that would be easier for schedule.

8 THE COURT: Who is available, Mr. Laroche?

9 MR. LAROCHE: There's two witnesses. One, Tandeep. I
10 believe there's six witnesses available. Two of the witnesses
11 indicated they would like to speak to defense. But I think
12 there are four other witnesses, at least, that would be
13 available for the afternoon.

14 MS. SHROFF: But I'm not going to call four without
15 talking to the two. That's just not good lawyering. If they
16 would have made these witnesses available to us before, we
17 wouldn't be in this predicament.

18 THE COURT: How long do you need, Ms. Shroff?

19 MS. SHROFF: Why don't I just update you after I speak
20 to the first one. I'll shoot the Court an e-mail or call. Can
21 I at least meet with the first one?

22 THE COURT: Yes.

23 MS. SHROFF: Thank you. I appreciate it.

24 MR. KAMARAJU: Your Honor, just a minor housekeeping
25 matter. I think the search warrant was admitted, so I think it

K2Q3SCH4

1 need a defense exhibit number.

2 MS. SHROFF: I know, but I have to redact one line. I
3 think we are up to K.

4 THE COURT: We're up to J.

5 MS. SHROFF: J was the analytics report.

6 THE COURT: It was marked as I. It was marked as J.
7 J is admitted.

8 I'll wait for your call, Ms. Shroff.

9 MS. SHROFF: All right. I'm going to go down now.

10 (Recess)

11 (Continued on next page)

K2Q3SCH4

AFTERNOON SESSION

2:15 p.m.

(Jury not present)

THE COURT: Ms. Shroff, do you have any witnesses for this afternoon?

MS. SHROFF: No.

THE COURT: What do you want to do?

MS. SHROFF: I want to have a sidebar if I can.

THE COURT: Okay.

(Continued on next page)

(In open court; jury not present)

MS. SHROFF: There's just one witness whose name I gave Mr. Laroche. He's checking to see if that witness is here.

THE COURT: There is a housekeeping matter I want to raise. I got a letter from I think it's Mr. Lee of Inner City Press. I think one of the things we agreed to do, in order to facilitate a closed court, was we would have transcripts available by the close of business the following day and make exhibits available.

Apparently we haven't made any of the exhibits available.

MR. KAMARAJU: We'll confirm, your Honor. I believe we have. I'll just check with Ms. Hurst. I think he may be mistaken on that. To the extent we have missed any exhibits,

K2Q3SCH4

1 we'll make sure they will go up right away.

2 My understanding is they have been going out.

3 THE COURT: Maybe I'll ship you Mr. Lee's letter.

4 MR. KAMARAJU: Your Honor, we just confirmed the U.S.
5 attorney's press office --

6 THE COURT: It is the audio files.

7 MR. KAMARAJU: We'll doublecheck. To the extent they
8 are not up there, we'll make sure they get up there.

9 THE COURT: Okay. Hold on. What, are you going to
10 rest now?

11 MR. LAROCHE: Yes, your Honor.

12 THE COURT: Okay. I think Ms. Shroff doesn't have
13 witnesses for this afternoon. So we'll excuse the jury after
14 you make your motion.

15 MR. LAROCHE: Yes, your Honor.

16 THE COURT: We'll have the Rule 29 application. And
17 then we'll break for the day.

18 MR. LAROCHE: Yes, your Honor.

19 THE COURT: We'll have the jury charge for you by
20 tonight before we leave. We'll send that around. We'll work
21 on the jury charge. I don't know how many witnesses Ms. Shroff
22 is going to have. But we'll try to get those witnesses
23 tomorrow.

24 MS. SHROFF: May I just ask. If, just hypothetically
25 speaking, if the Court rules that the memo comes in, does the

K2Q3SCH4

1 government have a sense if they are going to call a rebuttal
2 case or not?

3 MR. LAROCHE: I think to the extent the memo comes in,
4 and I believe we'll lay this out in our response, we would like
5 to call one witness who actually was involved in writing the
6 memo.

7 THE COURT: Okay.

8 MR. LAROCHE: But it would be a very brief witness,
9 your Honor.

10 MS. SHROFF: So, I guess, I am assuming Mr. Denton is
11 not here, so he's writing the papers. So, in some ways we can
12 figure out who the next witness is after Mr. Denton is done, I
13 guess. And there's one particular witness that Mr. Laroche is
14 going to try and get it so that the witness and I can speak,
15 and then that will resolve a lot of issues for us also.

16 THE COURT: All right. Do you think you get your
17 witnesses on by Friday so we can sum up on Monday?

18 MS. SHROFF: Yes.

19 THE COURT: And charge the jury on Monday?

20 MS. SHROFF: Yes. I am going to speak to Mr. Schulte
21 in the SCIF today. And at this point, as far as I can tell,
22 and you know how defendants work, but as far as I can tell
23 right now, Mr. Schulte is not going to testify.

24 THE COURT: David, call in the jury.

25 (Continued on next page)

K2Q3SCH4

(Jury present)

THE COURT: All right, Mr. Laroche.

MR. LAROCHE: Your Honor, the government rests.

THE COURT: Ladies and gentlemen of the jury, the government has rested, and we've got to do some legal work now. It will take us some time. So rather than have you sit around in the jury room, we're going to send you home, and we'll resume tomorrow morning at 9:30. And I think the case will be in your hands by no later than Monday. So, 9:30 tomorrow morning.

Remember the standard instructions. Don't do any independent research. Don't talk about the case. Keep open minds. We'll see you tomorrow morning at 9:30.

Thank you very much.

(Jury excused)

(Continued on next page)

K2Q3SCH4

1 THE COURT: The defendant want to make a motion?

2 MR. ZAS: Thank you, your Honor. Your Honor, at this
3 point the defense would move for a judgment of acquittal under
4 Rule 29. We don't believe, even taking the evidence in the
5 light most favorable to the government, that it's presented
6 sufficient evidence to warrant a guilty verdict on the counts.

7 THE COURT: All right. I'll reserve on the decision.

8 I hope tomorrow the defendant will be ready to proceed
9 with whatever witnesses are available. And when would you like
10 the jury charge conference?

11 MR. LAROCHE: Any time in the afternoon would be fine
12 for the government, your Honor.

13 THE COURT: Thursday afternoon, Mr. Zas?

14 MR. ZAS: Yes, sir.

15 THE COURT: Okay.

16 MS. SHROFF: Your Honor, may I just impose upon the
17 Court to just say out loud that Mr. Schulte should be taken to
18 the SCIF after this?

19 THE COURT: Yes. Marshals?

20 THE MARSHAL: That's not a problem with me, your
21 Honor. I called down and let our supervisors know that that's
22 the request that was made. He said he would let me know what's
23 going on.

24 THE COURT: That's the request of the Court that
25 Mr. Schulte be allowed to use the SCIF.

K2Q3SCH4

1 THE MARSHAL: Absolutely.

2 THE COURT: What hours?

3 MS. SHROFF: Generally, your Honor, during the trial
4 day, but letting us go from 3 to 5. But that's about it.

5 THE COURT: You can start a little bit earlier.
6 Anything else?

7 MR. LAROCHE: No, your Honor.

8 THE COURT: Okay. Thank you very much. See you
9 tomorrow morning at 9:30.

10 (Adjourned to
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

INDEX OF EXAMINATION

Examination of:	Page
EVAN JAMES SCHLESSINGER	
Direct By Mr. Kamaraju2511
Cross By Ms. Shroff2567
Redirect By Mr. Kamaraju2642

GOVERNMENT EXHIBITS

Exhibit No.	Received
822-22514
812 and 1303-1 through 1303-702520
8242554
8302645

DEFENDANT EXHIBITS

Exhibit No.	Received
J2573